



# Elisabeth Haub School of Law

PACE UNIVERSITY

## STUDENT HANDBOOK 2017-2018

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## MESSAGE FROM THE DEAN FOR STUDENTS

Dear Student:

Welcome to the Elisabeth Haub School of Law (Pace University) Community. The Office of Student Services is responsible for ensuring that your non-academic needs are met while you are engaged in the study of law. My department supervises programs and services such as residential life, financial aid, the campus store, dining services, student organizations, disability issues, disciplinary and grievance issues, as well as health services and counseling. I also act as an advocate, articulating student needs and concerns and clarifying the rights, privileges and responsibilities that accompany community membership. I will collaborate with faculty and staff to support the academic mission, with particular emphasis on out of class activities.

This handbook, effective August 2017, supersedes all of our previously published rules and regulations, announcements, statements, and publications with which it is inconsistent. Please note that the rules and regulations set forth are binding for all matriculated Pace University students as well as those who are on leave of absence or are visiting at other law schools. All Pace University students are expected to have read and understood this Handbook. Pace University reserves the right to change its rules, regulations, graduation requirements, course offerings, tuition, fees, and any other material set forth in this handbook at any time during the year without prior notice. Changes become effective when posted. Any questions concerning the contents of the Handbook should be addressed to the Office of Student Services.

The Office of the Dean for Students is located on the first floor of Aloysia Hall. If we can be of assistance to you, please do not hesitate to contact me at (914) 422-4146 or by e-mail at [adagostino@law.pace.edu](mailto:adagostino@law.pace.edu).

Again, congratulations and I look forward to working with you as a member of the Pace Community.

Sincerely,

Angela D'Agostino  
Dean for Students

## **OFFICE OF THE ASSOCIATE DEAN OF ACADEMIC AFFAIRS**

The Office of the Associate Dean for Academic Affairs is responsible for the overall development and delivery of the academic program of the Law School. This includes the construction of the academic schedule, and along with the Registrar, the supervision of registration. In addition, the Associate Dean oversees the Honor Board, the Moot Court Program, and the Law Reviews. This Office also manages the student academic advisement and academic success program.

### **Academic Policies and the Honor Code**

All students are responsible for reading and are held to the Academic Policies and the Honor Code, which are both available online: [www.law.pace.edu/academic-policies](http://www.law.pace.edu/academic-policies)

## **ADMINISTRATIVE SERVICES**

### **REGISTRAR/BURSAR'S OFFICE**

#### **Registrar's Office**

The Registrar's Office is the keeper of all student records. The Office is also responsible for the duplication and administration of all examinations, grade processing, ranks, Dean's List letters, distribution of the course schedule, registration for all courses, transcript processing, certifications to all state bars and loan companies, exam schedule, academic calendar, and room assignments. Further information can be found on the Registrar's site, <http://law.pace.edu/sites/default/files/academics/AcademicRegulations.pdf>

#### **Bursar's Office**

This office maintains students' financial records, produces statements of account, bills students for tuition, fees, dorm, health insurance and other student related fees, and approves and initiates refunds to students, via Bank Mobile. Meal Plans may be purchased at the Bursar window or charged against an existing credit on account. Payments may be submitted directly to the Bursar Office; refunds for overpayments, or tuition cancellations or other credits may be requested. The Office also accepts departmental and student organization deposits, and disburses petty cash. With proper documentation, the office will bill third parties on behalf of the student: employers, outside scholarship organizations, etc. This office works closely with the Financial Aid Office and the Office of Student Services. You may contact the Bursar's Office by phone (914) 422-4032.

#### **Identification Cards**

All students must have a Pace University Identification card. The initial card is free. The card must be displayed (on lanyard provided) at all times while on Pace University property. Replacement ID cards are subject to a \$15 processing fee. Student ID cards are property of the University and may be revoked in the case of abuse.

The Office of the Registrar and Bursar is located on the 1st floor of Aloysia Hall. Office hours are 9:00 am to 5:00pm, Monday through Friday.

#### **Parking**

Pace University provides parking areas on campus for use by students, faculty, staff and for the purpose of conducting university business. The method of registering vehicles and the regulations governing their use on campus are stated below.

All vehicles brought on campus must be registered with the Safety and Security Department. All students, faculty and staff must register their vehicles at the beginning of each academic year. You must show a valid state vehicle registration to verify the description and license plate of the vehicle. You must also show proper Pace identification. The Safety and Security Department will also issue temporary parking permits. Students are responsible for their guests. Guests must obtain a temporary parking permit and comply with all university regulations.

Parking is permitted in designated areas only and prohibited in crosswalks, fire lanes, bus stops, unpaved areas, spaces reserved for the disabled and any other areas designated as "restricted parking." You will be issued a Parking and Traffic Guide at time of registration.

Vehicles parked in violation will be ticketed and in some cases towed at the owner's expense. Chronic violators will be referred to the Dean for Students for appropriate disciplinary action. With the exception of some designated parking spaces, all parking is on a first come, first serve basis. Possession of a parking permit or pass authorizes parking but does not guarantee a parking space.

Pace University assumes no responsibility for theft or damage to any vehicle. Complete parking and traffic regulations are available in campus security offices.

Parking spaces for handicapped persons are reserved for those who have special handicapped license plates or permits for handicapped parking issued by the State, County or Town of residence. Members of the university community who suffer a temporary disability, which clearly affects their ability to walk, may apply to the Safety and Security Department for a temporary handicapped parking permit. Any person with a temporary disability must present to the Safety and Security Department a doctor's letter on official stationery specifying the medical problem. This medical documentation must include an expiration date for handicapped parking privileges. Unauthorized parking in a handicapped space will result in a \$100 fine and an immediate tow.

All other information may be found in the Parking and Traffic Guide issued by the Security Office.

## **FINANCIAL AID**

### Application Process and Filing Dates for Financial Aid Programs

Eligible students in good standing who meet the federal application guidelines may file The Free Application for Federal Student Aid (FAFSA) electronically at [www.fafsa.ed.gov](http://www.fafsa.ed.gov). Pace University's federal code for White Plains is 002727. Our priority deadline for need based aid programs, such as the Trustee Tuition Grant is November 15<sup>th</sup> (prior to each academic year). The 2018-2019 FAFSA will be available October 1, 2017. Students may file the FAFSA after November 15<sup>th</sup>, but will lose priority consideration for Work Study and Trustee Tuition Grants. Approximately two weeks from your FAFSA file date, a Student Aid Report (SAR) should be received with the information you reported. It is important to review the information and make any necessary corrections or up-dates as early as possible to ensure adequate time for revisions and the processing of your financial aid.

### A Review of Programs Coordinated by the Financial Aid Office

#### Federal Direct Unsubsidized Stafford Loan

The maximum Federal Direct Loan is \$20,500 for a standard academic year (two semesters). The loan has no income cut-off or credit requirements. The loan is disbursed no earlier than 10 days before the first day of class. Interest that accrues on the unsubsidized portion of the loan while the student is in school can be paid quarterly, or it may be capitalized (added onto the principal of the loan). Repayment of principal begins six months after graduation or after the student ceases to be enrolled at least half-time. At least half-time enrollment during a semester is required to qualify for a loan during that semester. There is no penalty for prepayment, and a number of relatively flexible repayment options are available. The loans are processed by the Financial Aid Office. Students are required to sign a master promissory note (MPN) and Loan Entrance Counseling (LEC) online at [www.studentloans.gov](http://www.studentloans.gov). The MPN and LEC must be completed once (first time borrowers) and is valid for 10 years.

#### Direct Graduate PLUS Loans for graduate or professional students

Graduate or professional students are eligible to borrow under the Direct PLUS Loan Program up to their cost of attendance minus other estimated financial assistance. Students should exhaust their federal Stafford loan eligibility before applying for a Direct PLUS loan.

A student must be enrolled in school at least half time, be a U.S. Citizen, U.S. Permanent resident or an eligible non-citizen. A credit check is required and you must submit a FAFSA. Students will also need to complete Master Promissory Notes and Loan Entrance Counseling online at [www.studentloans.gov](http://www.studentloans.gov).

#### Federal College Work-Study

The primary purpose for this program is to promote the part-time employment of students who have financial need. Employment may be secured at Pace University or with off-campus non-profit organizations thru the Public Interest Law Center.

#### Private Educational Loans

Students who meet certain credit requirements may qualify for one of several private educational loans in an amount not to exceed the Cost of Attendance (COA) minus other financial aid. Apply four-six weeks before you require the loan funds. You must apply with the respective lender of your choice. Please visit [www.hesc.ny.gov/pay-for-college/financial-aid/types-of-financial-aid/student-loans/private-student-loans/private-student-loan-comparison-tool.html](http://www.hesc.ny.gov/pay-for-college/financial-aid/types-of-financial-aid/student-loans/private-student-loans/private-student-loan-comparison-tool.html) to view a list of lenders currently offering private student loans.

#### School of Law Trustee Tuition Grant

This is a need-based grant program awarded to new students. Annual awards are made on a first-come basis to qualifying applicants until funds are exhausted, so it is important for students to apply early each year. The grants are generally renewable each year to on-time (based on date of filing and receipt of FAFSA which is before November 15th) applicants who, since the previous year, have shown no substantial increase in their financial strength as indicated by the information reported in the FAFSA. The grant may be applied only to tuition. It is not available during the summer term or for terms of enrollment for less than 6 credits.

#### Satisfactory Academic Progress Standards:

For continuing students there are minimum academic progress standards that must be met to maintain eligibility for the federal student aid programs. A student must have achieved a cumulative grade point average of at least a 2.30QPA and pass 60% of classes to be eligible to enter the third or subsequent semester of law study. If a student receives a probationary semester the student must contact the Financial Aid Office to discuss a one-time waiver of the 2.3 or good standing requirement in order to secure loans.

#### Refund of Financial Aid:

If a student withdraws from all or a portion of their classes in a given semester, it may be necessary to return all or a portion of your financial aid to Direct Lending. Please see the Financial Aid Office for details. If a student is academically dismissed after a refund is processed and disbursed, once all tuition and fees have been cancelled, the student must return any dispersed portion back to the institution.

# CENTER FOR CAREER & PROFESSIONAL DEVELOPMENT & PUBLIC INTEREST LAW CENTER

The Center for Career and Professional Development (“CCPD”) and the Public Interest Law Center (“PILC”) offer comprehensive services to Pace Law School J.D. and LL.M. students and alumni. The CCPD works to educate students and alumni about the diverse career paths open to them. Through one-on-one counseling, access to online resources and proprietary CCPD career guides, and participation in speaker panels, programs and networking events, the CCPD helps students build the knowledge, confidence and contacts to identify and reach their career goals. Services include: conducting programs on all aspects of the job search and application process; holding on-campus recruiting programs; career panels with expert practitioners; educating students about outside programs and career fairs; and assisting students in identifying and applying for fellowships, scholarships and judicial clerkships. The CCPD actively engages in employer outreach to secure employment opportunities and facilitates ways for students and alumni to meet, network, and build relationships with legal employers and practicing attorneys in a wide array of fields. Students are encouraged to take advantage of the many services the CCPD provides. The Public Interest Law Center (PILC) guides students interested in public interest opportunities and careers.

## CCPD & PILC Staff

**Jill Backer** the Assistant Dean for Career and Professional Development, along with **Elyse Moskowitz**, Director, Public Service Careers, **Kapila Juthani**, Assistant Director, Career Counseling, and **Robeye Margolius** Assistant Director, Career Counseling, provide individual career counseling and advice on all aspects of searching for permanent positions, internships, and part-time positions in government and the private sector (law firms and corporations) as well as judicial clerkship opportunities. CCPD counselors advise students and alumni on methods for identifying and researching private and public sector positions and employers, review resumes and cover letters, evaluate and coach interviewing skills, and work with students individually on how best to conduct the job search. The Assistant Dean, Assistant Directors, and all Advisors have J.D. degrees and prior legal practice experience. **Nicole Moncayo**, Director, Employer and External Relations, Strategic Professional Development Initiatives (and Pace Law Class of 2003), coordinates the CCPD’s on-campus interview and recruiting programs along with **Lauren Vacciana-Gordon**, the CCPD’s Recruitment Manager. Lauren also handles all job postings received from employers seeking to hire Pace Law students and alumni and assists with all students, alumni, and employer matters. **Kelly McGinnis** coordinates the Public Service offices efforts, including the law school’s summer funding programs for public interest internships, the public interest students’ online auction, and the Pro Bono Justice program which offers a range of opportunities for students to gain hands-on legal experience while helping people in need of legal assistance.

## Location and Hours

The CCPD is located in Room 207 of the Aloysia Building, on the second floor. The CCPD is open Monday through Friday from 9 am to 5:00 pm, with additional hours available by appointment. Students may schedule a counseling appointment in the CCPD or PILC by visiting the CCPD reception desk, calling the CCPD’s main number at (914) 422-4217, or emailing Lauren Vacciana-Gordon at [lvacciannagordon@law.pace.edu](mailto:lvacciannagordon@law.pace.edu)

## Website and Career Guides

The CCPD and PILC websites contain information about their offices, as well as information on judicial clerkships and public interest law opportunities, internet resources, general job search tools, and provide access to several proprietary resources and career guides as well as several sample resumes and cover letters. On the site you can also find a link to Symplicity ([www.law.pace.edu/symplicity](http://www.law.pace.edu/symplicity)), the law school’s proprietary job posting site where, along with postings for internships and job opportunities, students and alumni can also find upcoming programs and events, the on-campus interview (OCI) program schedule, and additional sample resumes and cover letters. Contact the CCPD for the username and password needed to access protected guides and other materials.

## Symplicity Career Service Management System

Symplicity is a state-of-the-art, online career center management program that stores information held by the CCPD regarding students and employers. Student, alumni and employer information, encrypted to ensure security, are available at all times from any internet connection. Once registered, students may enter or change their contact information and profile, upload and save resumes, cover letters, recommendations and writing samples, access employer job postings, and apply for on-campus interviews online. Students may search for jobs by employer, class year, location, practice area, or any number of search criteria. All students who wish to use CCPD services must register on Symplicity and are encouraged to become familiar with this invaluable tool. While all law schools have this database each is populated with its own postings unique to each law school. Therefore, Pace Law School job postings are for Pace Law School alumni and students only.

### **Mock Interviews**

To help students prepare for employer interviews, CCPD and PILC counselors conduct mock interviews throughout the year. Counselors tailor interviews to help students prepare for particular employers in the public or private sector, such as law firms, district attorneys' offices, and not-for-profit organizations. Mock interviews may be recorded for future viewing and immediate feedback and advice is provided. It is highly recommended that all students participate in a mock interview at least once during their law school career.

### **On-Campus Interview Programs**

Each fall the CCPD runs an On-Campus Interview and Recruitment (OCI) Program. Through OCI, the CCPD brings some private and public sector employers onto campus to interview upper level students for summer and post-graduate positions. Additional employers participate in OCI through resume collect. This process enables employers to receive materials from qualified students online and then select students to be interviewed in the employers' offices. Students receive an informative OCI packet by email in the spring semester and again over the summer outlining student participation guidelines and processes.

### **Career Panel Series**

Each year the CCPD and PILC sponsor a series of career panels and programs. Each program focuses on a different area of practice or type of employer and features a panel of practitioners who share their advice and individual career path. The panelists are available to answer questions and talk individually with students. Past programs have included: Careers in Prosecution; Public Interest panels (including separate presentations on environmental careers in the public sector); Careers in Federal Government; State Government and Local Government; Alternative Dispute Resolution (arbitration and mediation) Careers; and Academic Legal Careers; to name only a few. Students are encouraged to attend the career panel series and take advantage of the opportunity to meet practitioners and scholars in their fields of interest.

### **University Non-Discrimination Statement**

The University is strongly committed to maintaining working and learning atmosphere that is free from unlawful discrimination, harassment and retaliation. The University is also an equal opportunity employer that is strongly committed to making all personnel decisions without regard to actual or perceived sex, gender or gender identity; race; color; national origin; religion; creed; age; disability; citizenship; marital or domestic partnership status; sexual orientation or affectional status; genetic predisposition or carrier status; military or veteran status; status as a victim of domestic violence, sex offenses or stalking; or any other characteristic protected by law federal, state or local law, rule or regulation. All University employees, supervisors, administrators, officials, faculty members, students, and applicants, as well as everyone with whom the University does business (e.g., outside vendors, consultants, contractors) are prohibited from engaging in unlawful discrimination and/or harassment based on any of these protected characteristics. Any employer who fails to comply with Pace University's non-discrimination and anti-harassment policy will be prohibited from utilizing the services of the Center for Career and Professional Development.

### **Questions**

The CCPD and PILC are happy to respond to any questions about their services, on-line registration process, database management system, or website. Please contact the CCPD at (914) 422-4217 or [careers@law.pace.edu](mailto:careers@law.pace.edu), and the PILC at [publicinterest@law.pace.edu](mailto:publicinterest@law.pace.edu).

## **DEPARTMENT OF INFORMATION TECHNOLOGY SERVICES DEPARTMENT OF LAW SCHOOL INFORMATION TECHNOLOGY SERVICES**

Information Technology Services (ITS) provides technical support to students, faculty, and staff. Support services are located on all main campuses of Pace University (NY, PLV, and WP).

The ITS Walk-In Center is located in Aloysia Hall room 302. The hours of operation for this location is 9:00AM to 5:00PM, Monday through Friday. These times are subject to change based on need and staffing; there are altered summer and holiday hours. There are other Walk-In Centers located on the NY and PLV campuses as well.

The Walk-In Center Services offers basic troubleshooting support. For details visit [www.pace.edu/itswalkinservices](http://www.pace.edu/itswalkinservices).

The ITS Help Desk can be contacted by the following methods:

- Web: [help.pace.edu](http://help.pace.edu)
- Phone: (914) 773-3333
- Email: [lawits@law.pace.edu](mailto:lawits@law.pace.edu)

Hours of operation can be found at [www.pace.edu/itshelpdesk](http://www.pace.edu/itshelpdesk), along with additional support-related information for all campuses.

ITS information (including the information in this document) and additional web resources, are available in the Information Technology section of the Pace Law School website. To access this section, please direct your browser to <https://law.pace.edu/ITS>.

### **Appropriate Use Policy for Information Technology**

Please note that registered law students are responsible for reading and abiding by the Appropriate Use Policy. It is your responsibility to access the document on the web at <http://www.pace.edu/its/about-its/policies/it-appropriate-use-policy> or by searching for it on the [www.pace.edu](http://www.pace.edu) website. Should allegations arise which implicate a student in misuse of IT resources, it will not be deemed a defense that he or she was unfamiliar with the policy. Pace University reserves the right to amend or otherwise revise this document as may be necessary to reflect future changes made in the IT environment.

Access to technical resources at Pace University School of Law is a privilege and carries with it a responsibility to protect those resources. It is the policy of this Law School and Pace University that all computing, telecommunications, and associated network facilities be used ethically and legally, in accordance with the University's mission and all applicable licenses and contracts. Students are not permitted to install, delete or otherwise modify the software or hardware on the computers in the Law Library or anywhere else at the Law School or University. Any use that would impede teaching, learning or research, hinder the functioning of the Law School or University, violate an applicable license or contract, damage community relations or relations with institutions with whom Pace shares responsibility, or violate federal copyright law, violates this policy. Violation of this policy may result in suspension of privileges to access the information technology involved, initiation of disciplinary procedures or, in extreme cases, criminal prosecution under federal or state law. Students are responsible for all usage that is done under his or her username. Students should never disclose their passwords to anyone else.

### **Accounts**

Students are assigned MyPace accounts at the beginning of their first semester at Pace Law School for use through their entire law school tenure. There is a single login required for all Pace University resources. Your MyPace username account login will be required to identify yourself when accessing all resources on the intranet and network, including email, student-use workstations in the library, authentication on the wireless network, the MyPace Portal, and additional resources. Your MyPace username will be your initials followed by randomized numbers and a character (example: jd12345w). If you do not know your MyPace username, you can search for it in the Pace University White Pages.



### Using the Pace University White Pages to find contact information:

1. Go to <http://whitepages.pace.edu> and type your name in the field titled **Search by Name**
2. Select **Students** or **All** from the dropdown list under **Search Scope** and click **Search**
3. In the **Results** pane, select the **View Details** link for your name from the list
4. Your contact information will open in a new window

Your MyPace username or user ID will be the Pace email address provided without the @pace.edu. All Pace Law School students are provided two email addresses—one is the Pace University User Name followed by @pace.edu (e.g. jd12345w@pace.edu), and the law school specific email address which is generally first\_initial\_last\_name@law.pace.edu (e.g. JDoe@law.pace.edu.) All email is delivered to the one mailbox at <https://email.pace.edu>. Pace University uses Microsoft Exchange Server for email.

### Activating Your New MyPace Account

First-time students who get a new MyPace username and password must activate their account and set up their security questions before they can log in to Pace systems. New MyPace accounts can be activated via the Apps/Downloads/Account Management (ADAM) website at <http://adam.pace.edu>. Click on **Account Activation** (top right) and provide your username and *initial* MyPace password. Your initial password is your first and last name initials (lower case), a hyphen, and birthdate in the format of MMDDYY. Example: John Doe with birthdate of January 3, 1998 = **jd-010398**. Users are prompted to change their password when activating their MyPace account for the first time. For assistance with creating a new password, please review the Password Security Guidelines at <https://aspnetweb.pace.edu/adam/guidelines.html>. Once the password is changed, all other Pace system accounts will be reset to that new password. Next, select two different security questions and type in your answers. Answers are case-sensitive and should be complex enough that others cannot easily guess them.

### MyPace Portal

MyPace Portal provides access to student records, including grades and financial statements. Students will access the MyPace Portal to register for all classes. This is also where students can go to learn their “U” number—a numerical identifier that is used in place of Social Security numbers at Pace University.

To access MyPace Portal:

1. Go to <http://portal.pace.edu> and log in using your MyPace Portal username and password
2. Click on the **Students** tab and explore to become familiar with the portal
3. To locate your U number click **Check your registration** status (for example), and you will see your U-number in the top-right corner of the page, to the left of your name.

### Computer Resources

At Pace Law School students will use technology resources intensively, including word processing, on-line research, and email. There are computer facilities on the White Plains, Pleasantville, and New York campuses. All public use computers are configured to remove user information and data when logged off, shutdown, or restarted. It is very important that students remember to save all their work to other forms of storage.

White Plains Campus:

The Law Library has two computer labs and there are a few general access locations.

1. The main lab is on the first floor of the Library opposite the Circulation Desk. This lab has sixteen computers, two networked printers, one digital scanner and dedicated LexisNexis printers.
2. The Law Library also has a computer lab on the third floor of the Glass Building with twelve computers. This lab is also used for teaching and training sessions in online research.

3. There are six public access computers located in the carrels opposite the Reference Desk on the first floor of the Library. These computers print to the printer behind the Circulation Desk.
4. There are six computers in the Preston Student Lounge, two across from the registrar's desk, and other strategic locations throughout the campus.

Pleasantville and New York Campuses:

1. ITS maintains and manages several computer facilities on both campuses. See details and hours of operation for these campuses at [www.pace.edu/crclabs](http://www.pace.edu/crclabs).
2. Library facilities on these campuses also have available computers and services. See details and hours of operation for their locations at <http://libguides.pace.edu/home>.

### **Student IT Resources**

Learn about IT resources, access various systems and services at [www.pace.edu/studentit](http://www.pace.edu/studentit)

### **Applications, Downloads, and Account Management**

Apps/Download/Account Management Change, Unlock, or Reset your Password, and download MS Office, Skype for Business, and MS Security Essentials Antivirus at <http://adam.pace.edu>

### **PACE-WIFI and Pace Computer Access**

Pace University MyPace usernames are required to access computers and related software in the Law Library, network printers, server storage and other network resources. This account is also required to connect to the wireless network on campus. For details on our wireless service and connection instructions visit [www.pace.edu/wireless](http://www.pace.edu/wireless).

### **Student Printing**

Pace University has implemented the Pharos Uni-Print solution to provide a "green", student-friendly approach to printing. Using the PaceOne Card or MyPace Account students can print, photocopy, and scan to e-mail. Pace University provides the capabilities to print from any remote location and pick up materials from any designated print location. Students will receive a \$30.00 credit for printing at the start of the Fall, Spring, and Summer I semesters. To find out more visit [www.pace.edu/studentprinting](http://www.pace.edu/studentprinting).

### **Exam4**

Exam4 is an application that allows students to take final exams on personal laptops while locking down access to other applications on the computer. When exam time is near, you will receive an email to your Pace email account providing instructions on where and how to download the latest version of the software prior to your designated exam date.

### **Lynda.com**

Access a vast online library of instructional videos to improve your software, creative, and business skills at [www.pace.edu/lynda](http://www.pace.edu/lynda).

### **PaceAlert: Emergency Notification System**

Register to receive emergency notifications via telephone, e-mail and text messaging at <https://alert.pace.edu>.

### **ITS System Status**

Find out about the latest IT related system outages, updates and news at <http://status.pace.edu>.

### **Subscribe to the latest ITS News and Important Notices**

Sign up to receive email messages about the latest planned downtimes, unscheduled outages, and news information from ITS at [www.pace.edu/itssubscribe](http://www.pace.edu/itssubscribe).

## **OFFICE OF STUDENT SERVICES AND RESIDENTIAL LIFE (OSS)**

### **OSS Staff**

Angela D'Agostino, Dean for Students support the development of community within the Law School.

The Dean and the Associate Director are both graduates of the Pace Law program, part-time and full-time programs respectively, and bring over 30 years of higher education administration experience to the office.

### **Location and Hours**

OSS is located on the first floor of Aloysia Hall. OSS is open from 9:00 a.m.-5:00 p.m. with additional hours available by appointment. Students may schedule an appointment with the Dean or Associate Director by e-mail, telephone or by e-mailing [lawstudentservices@law.pace.edu](mailto:lawstudentservices@law.pace.edu).

### **Reasons to Visit Student Services**

- You have a question, concern or problem and you are unsure where to go, or with whom to speak.
- You want to find out about services for students with disabilities and/or implementation of services.
- You are having personal problems that may be affecting your academic performance.
- You need to miss classes or an examination due to an illness or another personal problem.
- You have questions about student insurance.
- You are a member of a student organization and have questions about your budget or hosting an event.
- You want to publicize a school-sponsored activity on the law school calendar.
- You have suggestions or ideas about improving student life and would like to talk about it.
- You have financial aid concerns.
- You would like to apply for endowed scholarship and upper level financial assistance.
- You are in need of emergency loan money due to an extraordinary circumstance.
- You need to apply for a leave of absence.

## **STUDENT ORGANIZATIONS AND ACTIVITIES**

Student Organizations, representing many fields of interest, attempt to provide additional experiences that will aid in developing the individual. These groups offer opportunities for leadership, recognize scholarship, encourage citizenship and provide social experiences.

All recognized organizations fall under the jurisdiction of the Student Bar Association (SBA). The SBA Executive Board and Assembly are elected by the student body and are responsible for assisting in the policy-making decisions that affect organizations. All organizations are required to abide by all policies and decisions of the SBA and the administration. Please refer to the Student Organization Handbook on the Student Organization website. [www.law.pace.edu/student-organizations-](http://www.law.pace.edu/student-organizations-)

### **Residential Life**

Community living is a valuable experience, which provides opportunities and rewards that will last a lifetime. Exposure to new people, ideas, cultures and ways of thinking create an environment ripe for growth and learning.

At Pace, our residential life program is centered in the belief that community living is an integral part of the total educational experience. The staff is committed to providing facilities, programs and services that complement your academic development and promote your personal and social development. Students are viewed as whole individuals working toward integration with others and enjoying the privileges of community membership, while accepting its inherent responsibilities.

Our programs, rules and guidelines are designed with your safety and welfare in mind. Residents are bound to follow the Guide to Community Living and the University's policies.

The Residence Director has an office located on the first floor of Aloysia Hall and may be contacted at (914) 422-4107.

## DINING SERVICES

The dining hall is located in Preston Hall and can be accessed through the Tudor Room or from the Classroom Building, as well as from the main entrance beside the campus dormitory, Dannat Hall. Chartwells Food Service is the vendor for the dining hall. In addition to weekly specials that will be posted, a variety of daily items including hot and cold entrees will be available.

The cafeteria is open:

Monday–Thursday.....8:00 am–6:30 pm

Friday .....8:00 am–2:00 pm

Saturday .....10:00 am–2:00 pm

## TRANSPORTATION

### Shuttle Bus

The Law School runs a shuttle bus that provides transportation from the lower parking lots to the law school buildings. In addition to the on-campus service, we provide transportation to and from the White Plains Metro North train station, as well as to the local grocery store on Fridays for campus students. The schedule can be found on the Pace Law School website at [www.law.pace.edu/currentstudents/shuttle-bus.html](http://www.law.pace.edu/currentstudents/shuttle-bus.html)

## COUNSELING CENTER

Helping you to realize your full potential for growth and development is a major goal of the Counseling and Personal Development Center. The counseling process teaches you to think objectively about yourself and your relationships with others. This is accomplished through a variety of services that are provided to you free of charge. To make an appointment, please call (914) 772-3710.

Staff psychologists are available for you to discuss any personal or emotional difficulties in complete confidentiality. Services range from counseling for temporary personal and professional problems to crisis intervention in response to rape, sexual harassment and sexual abuse.

Beginning an undergraduate or graduate career is an exciting and challenging experience. If you are a student with a disability, this experience can be especially challenging. Assistance is available to students with disabilities through the Office of Disability Services to enable them to have equal access to Pace University's educational programs and facilities.

The same rigorous admission and academic standards apply to students with and without a disability. In order to support the continued success of students with disabilities, the University prohibits discrimination on the basis of disability and is committed to providing equal access for students with disabilities to its facilities, programs, and activities. The University's commitment to equal educational opportunities for students with disabilities includes providing reasonable accommodations for the needs of students with disabilities.

Federal law, including the Rehabilitation Act and the Americans with Disabilities Act, both as amended, as well as state and local laws prohibit institutions of higher education from discriminating against students with disabilities. The Americans with Disabilities Act defines an individual with a disability as a person who has a physical or mental impairment which substantially limits one or more major life activities of the individual, has a record of such an impairment, or is regarded as having an impairment.

Students with, among others, hearing, visual, or mobility impairments, or psychological conditions may be eligible for a reasonable accommodation. More specific examples of impairments include such things as specific learning disabilities, attention deficit and hyperactivity disorder, traumatic brain injuries, bipolar disorder, vision and hearing loss, cerebral palsy, paraplegia, and certain chronic health conditions.

Major life activities include, but are limited to, activities such as seeing, hearing, learning, reading, concentrating, communicating, standing, walking, eating, sleeping, speaking, caring for oneself, thinking, and the operation of a major bodily function.

Each student diagnosed with a particular disability will have a different level of functioning even within the same disability category. Further, compensation skills will also vary from one student to another and in the same student over time. Therefore, accommodations are determined on a case-by-case basis according to a student's documented needs, guidelines suggested by federal and state law, and criteria developed by the University.

Identifying and implementing a reasonable accommodation for a student with a disability is an interactive process that includes shared responsibility between the University and the student. Accommodations include, for example, academic adjustments or modifications, auxiliary aids and services, and adjustments to make the campus, residential housing and transportation accessible. Academic adjustments include such things as extended time to complete examinations, a distraction-reduced testing environment, permission to record classes, and course substitutions. Examples of auxiliary aids and services are note-taking services, readers and/or scribes for examinations, sign language interpreters, and caption services.

The University is required to provide a reasonable accommodation; it is not required to provide the specific accommodation requested by the student. In providing accommodations, the University is not required to lower or effect substantial modifications to essential requirements or to make modifications that would fundamentally alter the nature of the service, program or activity. Thus, for example, although the University may be required to provide extended time within which to complete a test, it is not required to change the substantive content of the test. Personal attendants, individually prescribed devices, readers for personal use or study, wheelchairs, hearing aids, and other devices or services of a personal nature are the responsibility of the student, not the University. Finally, the University is not required to make adjustments or provide auxiliary aids or services that would result in an undue burden on the University.

Funding for auxiliary aids and services may be available from certain state agencies such as, for example, the New York State Adult Career and Continuing Education Services -Vocational Rehabilitation. For those auxiliary aids and services that are likely to be funded by a state agency, the University may require the student to apply to the agency for funding. The University may provide assistance with the application for funding.

To request an accommodation for a qualifying disability, a student must self-identify and register with the Office of Disability Services for his or her campus. The Office of Disability Services is housed in the Counseling Center on both the New York City and Pleasantville campuses. The Office of Disability Services for the New York City campus may be contacted at 212-346-1526 or 156 William Street, 8th Floor. The Office of Disability Services for the Westchester campuses may be contacted at 914-773-3710 or the Administration Center, 861 Bedford Road, Pleasantville. Notifying other University offices, faculty or staff does not constitute giving notice to the University of a request for an accommodation. No one, including faculty, is authorized to evaluate the need and arrange for an accommodation except the Office of Disability Services staff. Moreover, no one, including faculty, is authorized to contact the Office of Disability Services on behalf of a student.

It is the student's responsibility to request an accommodation. Because some accommodations may take considerable time to arrange, students are urged to contact the Office of Disability Services in order to request an accommodation as soon as possible after receiving notice of admission to the University. Untimely requests may result in delay, substitution, or an inability to provide an accommodation. If a request for an accommodation is submitted late, the Office of Disability Services will, nevertheless, make every reasonable effort to process the request for an accommodation.

Before an accommodation will be provided, the student may be required to submit medical and/or other diagnostic information concerning the student's impairments and limitations. If the information provided is unclear or incomplete, the student may be required to provide additional information or participate in further evaluations. The Office of Disability Services will, in conjunction with others as may be appropriate, evaluate the information provided by the student and health care providers; refer the student for additional testing and evaluation as may be necessary; make recommendations for the accommodations to be provided to the student; and, assist in arranging for the implementation of the accommodation to be provided.

If a student experiences difficulties with the implementation of the accommodation or, if after it has been implemented, a student has concerns that the expected results of the accommodation are not being met, the student must promptly notify the Office of Disability Services. The Office of Disability Services will, as may be appropriate, endeavor to remedy the situation. If a student disagrees with the accommodation recommended by the Office of Disability Services, he or she should promptly appeal the recommendation to the Assistant Dean for Community Standards and Compliance at 914-773-3168.

Faculty members who have concerns about a reasonable accommodation recommended by the Office of Disability Services for his or her class, should contact the Office of Disability Services on the appropriate campus.

Depending on the nature of the disability and the accommodation provided, a student may be required periodically to submit medical and/or diagnostic information demonstrating the current status of the disability and/or to renew the request for an accommodation.

Any questions about the services offered by the University to students with disabilities or the procedures for requesting an accommodation should be directed to the Office of Disability Services for the New York City campus at 212-346-1526 or for the Westchester campuses at 914-773-3710.

The information and documents provided to the University in support of a student's request for an accommodation shall be maintained as confidential. Individually identifiable information will not be disclosed except as may be required or permitted by law or pursuant to a release signed by the student.

If a student has concerns that he or she has been discriminated against because of a disability, he or she should contact the University's Affirmative Action Officer at 212-346-1310 or 914-773-3856.

## **UNIVERSITY HEALTH CARE**

The following services are available on the Pleasantville campus:

Care of acute illnesses and common infections: Respiratory infections, including strep throat, bronchitis, earaches; gynecological and urinary infections; back strain, first aid, gastrointestinal problems and many more.

Health Maintenance: Routine physicals, including school and pre-employment exams, annual pap smears, routine and emergency contraceptive services, allergy injections, lab tests, acne care, blood pressure monitoring, immunizations and more.

Personal Health Maintenance Program: Improve your health and quality of life through nutrition, stress management, physical fitness, and smoking cessation.

The staff of University Health Care provides Pace University students, faculty, staff and their family members and alumni with a wide range of primary health care services and a unique Personal Health Management program. Certified nurse practitioners, with physician consultation when indicated, deliver services ranging from emergency first aid (lacerations not requiring sutures, bruises, and minor burns) to thorough history and physical exams, including gynecologic exams. They can prescribe medications.

Residents in need of medical attention due to illness or emergency during hours when University Health Care Offices are closed should contact the Security who will assist you in obtaining the necessary help and transportation.

In the event a resident is diagnosed as having a medical condition or illness which poses the threat of transmission to or significant disruption of the residence community, in consultation with the Dean for Students, University Health Care may require the resident to vacate his/her room until such time as it is determined that he/she may return. NOTE: All students born after January 1, 1957 must show proof of immunity to Measles, Mumps, and Rubella.

## HEALTH INSURANCE

We are pleased to announce the continuation of a program at Pace University that underscores the University's commitment to health and wellness and reaffirms our desire to enable you to complete your education at Pace without the worry of extreme financial hardship brought on by illness or injury.

The University has designed a mandatory Student Accident and Sickness Insurance Plan for students attending Pace, at a very reasonable rate.

The STUDENT ACCIDENT AND SICKNESS INSURANCE PLAN FOR DOMESTIC STUDENTS ATTENDING PACE UNIVERSITY (BROCHURE), that describes the policy Terms, coverage, exclusions, and premiums, may be found on the Pace University web site, in Adobe Acrobat (.pdf) format, at [www.pace.edu/HealthInsurance](http://www.pace.edu/HealthInsurance), and may be downloaded and printed to your personal computer/printer in its entirety.

Please note that the Accident/Sickness Insurance fee will automatically be included on your student invoice if you are a full-time student, and must be paid with your tuition. For purposes of this plan, full-time is defined as being enrolled as a full-time day division student, paying full-time tuition.

If you have existing Accident and Sickness insurance coverage under another policy (self, parent, spouse, etc.) you may waive the mandatory Pace University coverage. The only way for you to waive the Pace University coverage is via the internet, using the PacePortal. Please print the confirmation page as proof that you have waived the coverage. You must waive the Pace Insurance Plan each year you are enrolled.

Providing false information on an on-line waiver request, or letting existing coverage lapse without informing the University may result in a charge for Pace Insurance coverage to the student's account and/or disciplinary action. The University or its agent(s) reserves the right to verify information regarding alternate coverage provided by the student as part of his/her on-line request to waive out of the Pace Insurance Plan.

Any part-time student registered for six (6) or more credits may voluntarily choose to purchase the Pace Insurance Plan. All students that have the Pace Insurance Plan may also enroll his/her spouse, domestic partner, and/or dependents in the plan (please see the Part-time Student and Dependent Enrollment Form for details). These Enrollment Forms are available through the Pace website at [www.pace.edu/HealthInsurance](http://www.pace.edu/HealthInsurance).

By continuing this policy, the University reaffirms its commitment to enabling you to complete your education protected from the potentially devastating financial effects of injuries or illness. Please feel free to contact the Office of the Dean for Students, [(914) 422-4136], or the University Health Care Offices [NY, (212) 346-1600]; Westchester, [(914) 773-3760] if you have any questions.

### **Immunization Policy**

All students matriculated in a degree program, enrolled for 6 or more credits, and participating in classes on a campus at Pace University must comply with the New York State Department of Health immunization requirements for admission (and continuation) as a Pace student detailed below. Students enrolled solely in online courses are not required to be in compliance. Once registered for a course requiring attendance on campus, these students must meet all requirements.

**Students will not be allowed to register or attend classes unless they are in full compliance with the requirements of the New York State Department of Health Public Health Laws regarding Measles, Mumps, Rubella, and Meningitis. [A completed Immunization Requirement Form must be submitted.](#)**  
**Meningitis**

New York State Public Health Law (NYS PHL 2167) requires institutions, including colleges and universities, [to distribute information about meningococcal disease and vaccination to all students](#) meeting the enrollment criteria, whether they live on or off campus.

Pace University is required to maintain a record of the following for each student:

- Certificate of Immunization for meningococcal meningitis disease; **or**
- A response to receipt of meningococcal meningitis disease and vaccine information signed by the student or the student's parent or guardian; **AND, EITHER**

- Self-reported or parent recall of meningococcal meningitis immunization within the past 10 years of the student's first date of enrollment at Pace University; **or**
- An acknowledgement of meningococcal disease risks and refusal of meningococcal meningitis immunization signed by the student or student's parent or guardian.

Pace University **strongly encourages** first-year resident students to receive the meningitis vaccination.

Students may submit this requirement electronically at: <http://www.pace.edu/paperless>.

The University Health Care Center does not offer the meningitis vaccine.

### **Measles, Mumps and Rubella**

**PHL 2165 requires that students born on or after January 1, 1957 provide proof of immunizations to register for classes. Students eligible for a birth exemption, medical exemption, or religious exemption must check off the appropriate box in Part Three of the [Immunization Requirement Form](#) and submit the necessary documentation.**

- **Measles** –2 doses given after 1968, after your first birthday and at least 28 days apart (the first dose is considered Day 0)
- **Mumps**– 1 dose
- **Rubella**– 1 dose

#### **Acceptable Proof of Immunity:**

- Vaccination card from childhood
- Immunization records from your health care provider
- High school's immunization records
- Physician documented proof of disease (**proof of disease is not acceptable for rubella**)
- A dated lab report reflecting blood tests proving immunity to Measles, Mumps and Rubella (a.k.a. Blood Antibody Titer)

**Please be aware that New York State immunization requirements may differ from those of other states and you may need to receive additional vaccinations in order to be in compliance.**

#### **Records need to:**

- Clearly indicate the vaccines, dates, name and location of the doctor or clinic
- Be stamped and signed by the doctor or clinic
- Be easily readable

[MMR Vaccination is available at the University Health Care Center for \\$15.](#) These offices can also process blood antibody titer tests for Measles, Mumps, and Rubella.

#### **By Mail: \*\***

Pace University  
OSA – Immunization Compliance  
One Pace Plaza,  
New York, New York 10038

\*\* Do not mail your records to any other office. It will delay processing and/or notification of any illegible or incomplete documentation.

#### **In-person:**

Completed Immunization Requirement Forms may be dropped off at the OSA/Student Solutions Center at your home campus.

#### **By Fax:**

(914) 989-8309: include name, student ID number and telephone number.

Send scanned documents to [immunization@pace.edu](mailto:immunization@pace.edu).

For more information, please go to <http://www.pace.edu/office-student-assistance/immunization>.



## **OFFICE OF SAFETY AND SECURITY**

The primary responsibility of the Security Department is to ensure the safety and security of the students, faculty, staff and visitors to the University.

Pace University security provides a 24 hour-a-day patrol presence on campus. All security personnel receive mandatory pre-employment training in accordance with federal and state laws. They also receive additional in-service training on a monthly basis. Security officers respond to an array of situations during their tour of duty. These requests for service may include medical emergencies or response to a fire or intrusion alarm. Security officers prepare incident or accident reports, and refer matters to other Pace departments or outside agencies, as necessary.

White Plains      Preston Hall      (914) 422-4111

The Security Department also provides the following services to the University community:

- Provides an escort service between any two points on campus between dusk and dawn
- Enforces the parking program
- Maintains a Central Station where fire and intrusion alarms, emergency telephone systems and closed circuit TV cameras are monitored

### **Crime Reporting**

Consistent with legal requirements, members of the Pace community will be advised on a timely basis regarding the occurrence of crimes on campus.

Special security notices are prepared in the event that a crime is committed on campus and are distributed throughout the University. These notices provide the facts related to the incident and alert members of our community to prevent future incidents from occurring. Incidents can be reported to campus security 24 hours a day. The Safety and Security Department also maintains statistics on campus crime and disciplinary referrals relating to violations of the University drug, alcohol and weapons policy. Statistics are published on the Safety and Security website and on the Department of Education website.

### **Lost and Found**

Pace assumes no responsibility for personal property missing from or lost on University premises. You should exercise care for all personal property including apparel, handbags, wallets, briefcases, office articles, books, pictures, laptops or equipment. Missing property should be reported to the Safety and Security Department, which makes every reasonable effort to help recover it. Anyone finding unidentified property should bring it to the campus Security Office immediately.

### **Fire Safety**

- If you suspect or see a fire, sound the alarm and evacuate the building by way of the nearest stairwell.
- Close doors behind you and never use the elevator unless directed to do so by emergency personnel.
- If thick smoke is encountered, increase your visibility by crawling low to the floor. Toxic chemicals from smoke can be deadly in minutes.
- Check doors and metal knobs to see if they are hot. If they are, do not open the door. Use a wet shirt or towel to cover the crack at the base of the door to prevent smoke penetration.
- If you are trapped, go to the window to signal for help. If there is a phone, call security and 911 to report your location.
- Once you are out of the building, report location of individuals with disabilities or others needing assistance to emergency personnel. Assemble at least 100 feet from the effected building.
- Individuals with disabilities should look for areas of refuge like stairwells with fire doors or safe areas in classroom buildings.
- Please take fire alarms seriously and do not ignore them. Do not worry about taking personal property with you; time is of the essence.

- Take responsibility for prevention; follow all rules relating to fire safety.
- Tampering with smoke alarms, pulling false alarms or misusing fire protection equipment is a criminal act and will be prosecuted. University disciplinary proceedings will also take place. These are dangerous pranks and should be reported immediately.

## **WEATHER CLOSING POLICY**

You should sign up for the **Pace University Emergency Alert System** to receive a phone call, a text message, and an email with emergency notifications. [appsrv.pace.edu/ConnectED/](http://appsrv.pace.edu/ConnectED/)

This policy applies to closings on all weekdays and Saturdays.

The University President or his designees have the authority to make closing decisions in the event of inclement weather. While the University may consult with the Law School, Deans cannot make closing decisions on their own.

Decisions to cancel day classes will be made as early in the morning as possible. Similarly, decisions to cancel evening classes will be made by mid-afternoon, if at all possible, before 2:00 pm. However, the decision to close or delay classes is made by the University and not by the Law School.

When newspaper/radio/TV weather reports predict an impending weather emergency for the next day, all faculty, staff, and students should attempt one or more of the following:

1. Call the Registrar's Office at (914) 422-4001.
2. Check the Law School Website or the University Website.
3. Call the emergency closing numbers listed below.
4. Tune into the designated radio stations also listed below.

The Director of the Law Library will make a decision regarding the opening of the law library. Information regarding library opening and hours will be posted on the law school website and information disseminated to students via email as soon as possible.

In the event of a delayed opening, students should go to the class normally in session at the time of the delayed opening if an hour or more of class time remains. If not, students should report to the next scheduled class.

In some cases, an individual professor may have to cancel a class due to inclement weather when the University is open. In such cases, the law school will post the information on the law school website, and email all students, informing them of the class cancellation.

If the University decides to close while classes are in session, the Registrar's office will:

- notify those classes;
- notify all Faculty and Adjunct Faculty scheduled to teach the remaining classes;
- communicate the closing decision to the Dean for Students to place this notice on the Law School website; and
- send out an e-mail to all Faculty, Adjunct Faculty, students and staff.

### Campus Closing Information

- University Weather Message (914) 773-3398
- [www.law.pace.edu](http://www.law.pace.edu)
- AM WFAS 1230
- WLNA 1420
- WVOX 1460
- FM WRTN 93.5
- WHUD 100.7
- WFAS 10.39

# **DISCIPLINARY AND GRIEVANCE PROCEDURES**

## **General Statement of Policies**

The University reserves the right, at its sole discretion and with or without prior notice, to promulgate new academic and nonacademic rules, policies and practices, as well as to amend or rescind existing academic and nonacademic rules, policies and practices. By applying for enrollment and by enrolling each applicant and enrolled student, respectively, agrees to be bound by all of the University's rules, policies, practices, including, without limitation, the Guiding Principles of Conduct. Applicants and enrolled students who fail to comply with the University's rules, policies and practices are subject to discipline that may include, but is not limited to, denial of admission, denial of academic credits or a degree, suspension and/or dismissal from the University.

## **Academic Integrity**

Students are required to be honest and ethical in satisfying their academic assignments and requirements. Academic integrity requires that, except as may be authorized by the instructor, a student must demonstrate independent intellectual and academic achievements. Therefore, when a student uses or relies upon an idea or material obtained from another source, proper credit or attribution must be given. A failure to give credit or attribution to ideas or material obtained from an outside source is plagiarism. Plagiarism is strictly forbidden. Every student is responsible for giving the proper credit or attribution for any quotation, idea, data, or other material obtained from another source that is presented (whether orally or in writing) in the student's papers, reports, submissions, examinations, presentations and the like.

Individual schools and programs may have adopted additional standards of academic integrity. Therefore, students are responsible for familiarizing themselves with the academic integrity policies of the University as well as of the individual schools and programs in which they are enrolled. A student who fails to comply with the standards of academic integrity is subject to disciplinary actions such as, but not limited to, a reduction in the grade for the assignment or the course, a failing grade in the assignment or the course, suspension and/or dismissal from the University.

## **Guiding Principles of Conduct**

The primary functions of an institution of higher learning are teaching, learning, scholarship and service. Each member of the University community is required to cooperate with the University in its endeavors to foster and maintain the freedom of expression and exchange of ideas necessary to achieve excellence in teaching, learning, scholarship and service. The University strives to protect the rights of its students and employees (including faculty members) to publicize opinions through written and oral communications; to organize and join political associations; to convene and conduct meetings; and to advocate, demonstrate and picket in an orderly fashion. Further, members of the University community are responsible for fostering and maintaining respect for the dignity and uniqueness of one another.

In order to preserve an atmosphere in which a free exchange of ideas may flourish, and to ensure the dignity and safety of all members of the University community as well as the unimpeded operation of the University (and as required by federal, state and local laws including, without limitation, N.Y. Educ. Law § 6430), the University has adopted the Guiding Principles of Conduct. The Guiding Principles of Conduct applies to all members of the University community including, among others, employees, faculty members, students, applicants for academic admission and employment, visitors, guests, vendors, contractors, and other third parties while they are on University premises or at University-sponsored activities. References to "University premises" in these Guiding Principles of Conduct apply to premises either owned or leased by the University.

The Guiding Principles of Conduct are not exhaustive and include, but are not limited to, the following:

1. Students and other persons participating in a class or activity related to a class (such as, for example, internships and field trips) must comply with a faculty member's reasonable standards of behavior for the class and/or related activities.

2. Theft, willful destruction or damage to or misuse of any University property or property owned by any member of the University community is prohibited.
3. The sale, purchase, possession or use of incendiary devices, explosives or dangerous weapons (including any item or material which could be used to inflict injury or harm or to intimidate) on University premises or at University-sponsored events is prohibited.
4. The unlawful use, possession, sale, distribution or manufacture of controlled substances and drug paraphernalia on University premises or at University-sponsored events is prohibited. (Further information may be found in the University's Drug and Alcohol Policy.)
5. Obstruction of or interference with the normal operations and processes essential to the University is prohibited.
6. Interference with academic freedom (including speech in the classroom and by University-approved guest speakers) is prohibited.
7. Strict compliance with the University's policies and procedures concerning demonstrations and rallies is required.
8. Strict compliance with the University's policies and procedures concerning the appropriate use of information technology is required.
9. Deliberate actions that cause, or might reasonably be expected to cause, injury, either physical or mental, to any member of the University community are prohibited. Such actions may include, for example, violence or threats of violence.
10. Members of the University community are required to comply with the instructions of a University administrator, or other duly authorized agent of the University, to, for example, display or present identification. Members of the University community are also required to evacuate University premises and University-sponsored events when directed to do so by authorized personnel or a mechanical device (such as a fire alarm).
11. Any action or situation which recklessly or intentionally endangers the safety or mental or physical health of any member of the University community or involves the forced consumption of alcohol or drugs for the purpose of initiation into or affiliation with any organization is prohibited on University premises and at University-sponsored events. In addition, such conduct by students and employees (including faculty), whether on or off University premises or at University-sponsored events, also is prohibited.
12. Engaging in violence or intimidation against another person and destroying property because of bias or prejudice while on University premises or at University-sponsored events violates the University's Hate/Bias-Related Policy and is prohibited. Such conduct by students and employees (including faculty), whether on or off campus or at a University-sponsored event, is also prohibited.
13. Members of the University community are required to timely satisfy their financial obligations to the University, including, but not limited to, amounts due to the Office of Student Assistance, the University bookstore, the University library, University housing, the Student Development Office, and Security.
14. Consumption of alcohol by any member of the University community who is under the age of twenty-one is illegal and prohibited on University premises and at University-sponsored events. Supplying alcohol in any quantity to a member of the University community who is under the age of twenty-one is illegal and prohibited. (Further information may be found in the University's Drug and Alcohol Policy.)
15. Even though its possession or consumption may otherwise be lawful, alcohol, except in limited circumstances, is not permitted on University premises or at University-sponsored events. Members

of the University community are not permitted to be intoxicated, or to become intoxicated, while on University premises or at a University-sponsored event.

16. Gambling is not permitted on University premises or at any event sponsored by a student group or organization.
17. Solicitation by students, student clubs and student organizations including, but not limited to, fund raising, on University premises or in connection with a University-sponsored event is prohibited without the prior approval of the Director of Student Development and Campus Activities or the Dean for Students.
18. "The solicitation of goods or services by one staff member to another during regularly scheduled work time is prohibited. Selling commercial goods and distributing promotional information and handbills in regular work areas is also prohibited." (A copy of the Solicitation and Distribution policy may be found in the Pace University Employee Handbook.)
19. Other members of the University community, such as applicants for academic admission and employment, visitors, guests, vendors, contractors and other third parties, are prohibited from soliciting and distributing on University premises or in connection with University-sponsored events without prior approval from the Director of Security.
20. Prior approval from the appropriate University administrator must be obtained before any materials or documents may be posted or distributed on University premises or at University-sponsored events.
21. The falsification of University documents is prohibited.
22. While on University premises or at University-sponsored events, members of the University community must not dress or conduct themselves in a manner that would be considered lewd or indecent by the University.
23. Conduct on or off campus in a manner the University determines reflects adversely on the good name and reputation of the University is prohibited.
24. Conduct by students and employees (including faculty) on or off campus that violates local, state or federal laws may also constitute a basis for disciplinary action by the University.
25. Without appropriate prior authorization, video recording devices, including, but not limited to, cell phones equipped with a camera, may not be used on University premises or at University-sponsored events, other than in an emergency, in any area or circumstances where the recording of images reasonably would be considered to be inappropriate.
26. Strict compliance with all rules, policies and practices promulgated and/or adopted by the University is required.

Any member of the University community who violates the University's rules, policies or practices, including, among others, the Guiding Principles of Conduct, may be subject to disciplinary action (including without limitation immediate ejection from University premises and/or University-sponsored events) and/or to legal actions. Similarly, any recognized club or organization that violates its constitution and/or by-laws, or authorizes conduct prohibited by the University's rules, policies or practices may be subject to disciplinary action (including without limitation rescission of approval for that club or organization to operate on University premises or at University-sponsored events, whether on or off University premises). As may be necessary, the University may request the assistance of law enforcement agencies to maintain order and/or may seek injunctive relief.

## **DISCIPLINARY PROCEDURES AND HEARINGS**

### **Summary Action**

Should the conduct of a student threaten or constitute a danger to personal safety or property, or substantially interfere with the essential tasks of the University, the student may be summarily suspended. A student may also be subject to summary suspension if, following a warning by a faculty, staff, or administrator of the University to desist, he/she continues to engage in conduct that violates the University's rules and regulations. In such cases, if necessary and appropriate, steps will be taken to eject the student from the University's premises.

If injunctive procedures are to be used or civil authority is required, the President, or in the President's absence, the Provost, and in the absence of the President or the Provost, another designated officer, shall authorize such action after consultation with faculty and student representatives to the maximum extent practicable. Summary suspension may be applied to a student's residence hall status.

In all cases involving summary action, the following procedure will be observed:

- A. The officer taking summary action shall provide notice of the student's conduct and summary action taken, to the Dean for Students for the campus at which the student is enrolled, as soon as practicable.
- B. The Dean for Students shall immediately determine whether the summary suspension shall be continued or modified pending determination of the matter. The Dean for Students may terminate the summary action if it is determined at any time that the summary action was taken without substantial evidence to support it.
- C. Notice of termination, continuance or modification of the summary action and the substance of the disciplinary charge against the student, if any, shall be reduced to writing and forwarded to the alleged violator by the Dean for Students personally or by first class and certified mail, return receipt requested, within ten (10) days following the occurrence of the event. Said notice shall include a request that the alleged violator designate (if the matter is not resolved by an Informal Resolution Attempt), whether he/she wishes to have the charge determined by an Informal or Formal Hearing pursuant to University's Procedures for a Disciplinary Hearing.

The alleged violator shall have ten (10) days within which to contest in writing, the Dean's decision regarding continuation or modification of the summary suspension. If the Dean does not terminate the summary suspension within three (3) days following his receipt of the alleged violator's written response regarding the summary suspension and if the matter is not resolved pursuant to an Informal Resolution Attempt, the student shall be entitled upon his/her demand, to an immediate Informal or Formal Hearing of the charge, as described below. If the alleged violator fails to respond to the Dean's request regarding the choice of an Informal or Formal Hearing, the Dean may convene a Disciplinary Hearing upon the written notice sent at least ten (10) business days prior to the date of the hearing. Such notice shall either be delivered personally or sent by first class mail and certified mail, return receipt requested.

### **Informal Resolution Attempt**

A good faith attempt will be made to resolve all problems informally, first, by the appropriate department. This may include informal discussions with the alleged violator and faculty members, deans or staff members involved and where appropriate, with supervisors or administrators at sequentially higher levels. If the matter is not resolved by an Informal Resolution Attempt, the alleged violator shall be requested to designate whether he/she wishes to have the charge determined by an Informal or Formal hearing pursuant to University's Procedures for a Disciplinary Hearing. Upon such designation, or upon the failure of the alleged violator to designate the type of hearing which he/she desires within ten (10) days following the University's request for same, an Informal or Formal Hearing will be implemented, as described below.

### **Procedures for a Disciplinary Hearing**

The Hearing Officer may be an Assistant Director, or a Director within Student Affairs, an Assistant Dean for Students, a Dean for Students, or the Judicial and Compliance Officer.

### **Notice of the Charge(s)**

At least two (2) business days prior to the commencement of a Hearing, the alleged violator must receive from the complainant a written statement outlining the charge(s).

### **Informal Hearing**

If the alleged violator elects to proceed by an Informal Hearing, the Hearing Officer shall, based upon his/her investigation, determine whether there was a violation of the Guiding Principles of Conduct, and any applicable disciplinary action. Such investigation may include interviews of the alleged violator and witnesses, as well as a review of written statements, and the alleged violator's student file.

### **Formal Hearing**

The Hearing Officer shall convene an adversarial proceeding (the "Hearing"). The Hearing is not intended as a trial before a court of law; therefore, adherence to rules of evidence is not required. Questions relating to the competency, relevancy or materiality of evidence and the latitude in the questioning of parties involved shall be based upon the determination of the Hearing Officer as to what is just, fair and reasonable under the circumstances.

1. Responsibilities of the Hearing Officer:
  - a. To insure the procedural guidelines are followed.
  - b. To maintain proper decorum at all times. The Hearing Officer reserves the right to remove anyone who disrupts the proceedings.
  - c. The Hearing Officer, a party and/or the party's advisor, may ask questions of the witnesses.
  - d. Once the proceedings have begun, the Hearing Officer shall have no communication with a party or the party's advisor outside of the hearing except to schedule Hearing meetings.
2. Procedural Guidelines:
  - a. Each of the parties or his/her advisor shall be afforded an opportunity to present an opening and closing statement.
  - b. The complaining party and his/her witnesses shall be heard first.
  - c. The alleged violator shall be given an opportunity to testify and present evidence and witnesses, but shall not be compelled to testify nor shall an inference be drawn from the failure to testify.
  - d. Each of the parties or his/her advisor shall have an opportunity to hear and question adverse witnesses.
  - e. Each party, in addition to his/her advisor, may have three observers present during the Hearing.
  - f. If any party plans to have an attorney present to act as the party's advisor, the party must notify the Hearing Officer forty-eight (48) hours in advance of the session in order to allow for University Counsel to be present. If University Counsel cannot attend the prescheduled session, the Hearing Officer will set another date convenient for all parties.
  - g. The decision by the Hearing Officer will be based solely upon the evidence presented at the session. The alleged violator's student file shall be deemed part of the record in evidence at the session.
  - h. A finding of the Hearing Officer shall be based on a fair preponderance of credible evidence.
  - i. It is the burden of the complainant to show that it is more likely than not that the alleged violator committed the violation(s) contained in the charge.
  - j. If the alleged violator fails to appear at the Hearing, the Hearing Officer may, at his/her discretion, postpone to another date or, based on the record before the Hearing Officer, issue a decision as to whether there was a violation(s) as charged and, if so, impose an appropriate sanction.
  - k. If the alleged violator appears, but walks out as a result of free choice, the session will continue in his/her absence. No negative inference will be made as a result of his/her departure.
  - l. A tape recording of the hearing shall be made at the University's expense. The recording shall be maintained by the Hearing Officer for a period of one (1) year following the date of issuance of the finding. A party to the proceeding may obtain a written transcript or a copy of the tape recording at his/her expense.
  - m. As soon as practicable following the conclusion of the Hearing, a written decision will be forwarded to all parties. The decision will be sent to the local Dean for Students for proper recording.

## **Disciplinary Sanctions**

If the Hearing Officer determines that the student has committed a violation (s), a sanction will be imposed. The sanctions that may be imposed include (but are not limited to) the following:

- **Admonition**  
A verbal warning that a student's conduct is improper or violates University rules or regulations coupled with a direction to cease and desist.
- **Reprimand**  
A formal written notice that the student has engaged in improper conduct and warning that subsequent violations may result in more severe disciplinary action.
- **Restitution**  
Reimbursement by transfer of property, money or services to the University or member of the University community in an amount not in excess of the damage or loss incurred. Must be documented and applied by an appropriate Hearing Officer through the disciplinary due process. All financial transactions should be coordinated with appropriate SARs and Finance and Administration officials.
- **Fine**  
A monetary amount assessed as a penalty for improper conduct or violation of University rules and regulations. Fines for specific violations are enumerated in applicable University publications (i.e. Catalog, Student Handbook, Guide to Residence Living).
- **Educational Sanction**  
Community service or required participation in a project or activity, either within or outside the University, during a period and in a manner consistent with the nature and severity of the violation(s) as determined by the authorized University officer.
- **Restriction or Revocation of Privileges**  
Alteration, limitation or revocation of certain privileges associated with membership or participation in the University community for a specified or indefinite period of time. Examples of such privileges include but are not limited to: entering University property or facilities; use of or participation in programs, activities, events and services on or off campus; membership, election to or holding office in a club, organization or society; representing the University on a committee or in a program or activity; operation or parking of a motor vehicle on University premises; visitation by guests; participation in recreational, intramural or varsity athletic programs; use of University technology resources, etc.
- **Probation**  
Specified or indefinite period during which infraction-free conduct must be maintained coupled with a warning that subsequent improper conduct or violation of University rules or regulations may result in more severe disciplinary action including separation from residence and/or the University. [May include restriction and or revocation of privileges as described above.]
- **Suspension**  
A suspended student will be temporarily deprived of all rights and privileges normally accorded an enrolled student. Separation from a residence, class or classes and/or University facilities or premises and revocation of rights and privileges is for a specified period of time between one day and a full academic year. Conditions may be placed on the student's return. Annotation of this sanction on the student's academic record is permissible in the case of separation from the University. A student may be suspended from residence and not from the University. Must be documented and applied by an appropriate Hearing Officer through the disciplinary due process.
- **Dismissal**  
A dismissed student will be separated from residence or from the University community for a period of no less than one full academic year. A student may be dismissed from residence and not from the University. Annotation of dismissal from the University is permitted on the student's academic record. Conditions may be applied, and reinstatement to residence or as an enrolled student must be in the form of a petition in writing to the Dean for Students. Must be documented and applied by an appropriate Hearing Officer through the disciplinary due process.
- **Expulsion**  
The most severe form of disciplinary action. An expelled student may not return to residence and/or the University. The student is permanently separated and loses all rights and privileges associated with membership in the University community. Annotation of expulsion on the student's academic record is permitted. Must be documented, and must applied by the Dean for Students or higher authority in the case of expulsion from the University or residence hall.



Factors that may be considered when determining a disciplinary sanction(s):

- Nature, scope, and severity of violation(s)
- Impact on the individual(s) involved and/or on the residence or University community
- Aggravated, intentional, repeated, or multiple violation(s)
- Disciplinary and civic history
- Acknowledgement of accountability/responsibility for improper conduct
- Remorse, cooperation

When a student is separated from the University for disciplinary or academic reasons or violation of the Academic Integrity code, prior to the end of a semester, or officially withdraws from any course or courses, regardless of the method of instruction, by filing a written notice at the SARS office, by accessing Pace University's Voice Response System, or withdraws using the SARS website, cancellation of tuition, student activity and special course fees only will be made. Please note: Application, general institution, and installment fees are non-refundable. Housing and meal plan fees are governed by the Housing Agreement. Cancellation will be made according to the Tuition Cancellation Policy Schedule shown in the respective term Class Schedule Booklet.

The University is under no obligation to delay or forego its disciplinary due process or the imposition of any disciplinary sanction pending the investigation or proceedings involving criminal or civil charges.

Disciplinary sanctions which do not restrict or revoke a student's rights or privileges or otherwise effect the student's status as enrolled; or sanctions applied as a result of informal resolution as prescribed in the Student Handbook, are non-appealable.

Nothing in the preceding guidelines should be construed as limiting or preventing in any way, the right or authority of other officials of the University to take necessary and appropriate action which effect students consistent with their stated, published, or implied role or responsibility.

A Dean for Students may take disciplinary action in cases where he/she observes a student violating rules or regulations, or the terms of a previously applied disciplinary sanction, or pending adjudication of a complaint, without obligation of following additional or parallel due process. In the case of previously applied sanctions, The Dean may also act upon the report or observation of a fellow staff member.

In the case of single, multiple or repeated violations the Hearing Officer may apply one or more sanctions of varying severity up to and including the level of his/her designated authority.

A sanction may be instituted immediately or put in abeyance pending appeal.

#### Appeal Process for Disciplinary Action

A student who is found guilty of violating a University regulation and subsequently disciplined, may request an appeal, providing this request is made in writing within five (5) regularly scheduled class days following the date the student receives notification of the Hearing Officer's decision. If the Hearing Officer was an Assistant Director, a Director, or an Assistant Dean for Students within Student Services, the appeal shall be to the Dean for Students. If the Hearing Officer was a Dean for Students, the appeal shall be to the University Judicial Compliance Officer.

## UNIVERSITY POLICIES

All law school students should understand and must adhere to all of the University's policies. The full policies are available online.

<http://www.pace.edu/student-handbook/university-policies-disciplinary-and-grievance-procedures>

## **DRUG AND ALCOHOL POLICY**

Pace University has a strong commitment to a healthy and safe environment for all members of the University community. Any use of alcohol and drugs that is illegal or violates this Policy will not be tolerated.

It is the policy of the University that the unlawful use, possession, sale, distribution, or manufacture of controlled substances and alcohol on University property or at University sponsored programs and activities are prohibited. Even though its possession or consumption may otherwise be lawful, alcohol, except in limited circumstances, is not permitted on University property or at University sponsored programs and activities.

There are two exceptions to the prohibition against the possession and consumption of alcohol on University property and at University sponsored programs and activities. One exception to this Policy is for the moderate possession and consumption of alcohol at University sponsored programs and activities by individuals legally permitted to possess and consume alcohol, provided prior written approval from the appropriate University representative has been granted. The second exception permits students, except for those who reside in Maria's Tower, who are at least 21 years of age to possess and consume a moderate amount of beer or wine (not hard liquor) in their residential housing room.

This Policy applies to each member of the University community -- students, faculty, and staff -- as well as to contractors, vendors, licensees, invitees and visitors.

This Policy is in compliance with the Drug-Free Workplace Act and the Drug-Free Schools and Communities Act, and it is distributed to every student and faculty and staff member.

### ***Health Risks Of Controlled Substances And Alcohol***

The illegal use of controlled substances and alcohol and the abuse of alcohol and prescription drugs may lead to permanent health conditions including, but not limited to, disorders of the central nervous system, reproductive functioning, cardiovascular and pulmonary systems, and endocrine functioning. In addition, there may be both short-term and long-term effects on cognition, memory, retention, information processing, coordination, athletic performance, academic performance, and the exercise of judgment.

Controlled Substances. All drugs, whether illegal or prescribed, alter the chemical balance of the body. The misuse of drugs may lead to addiction and even death. Drug addiction and abuse can cause serious damage to the brain, stomach, lungs, liver, kidneys, heart, and the immune and reproductive systems. The sharing of needles is a significant factor in the spread of HIV.

Alcohol. Inappropriate use and abuse of alcohol is often associated with lower academic performance and failures, sexually transmitted diseases and unplanned pregnancies, vandalism, aggressive behaviors including sexual assault and rape, injuries, death, and prosecution for crimes related to the consumption of alcohol. Even small amounts of alcohol may impair the ability to concentrate, as well as the judgment and coordination required to drive a car safely thus increasing the likelihood that the driver will be involved in an accident. Small to moderate amounts of alcohol may also increase the incidence of a variety of aggressive acts, including spousal and child abuse. Moderate to high doses of alcohol can cause marked impairments in higher mental functions, severely altering a person's ability to learn and remember information. Very high doses may result in respiratory depression and even death. When used in conjunction with other depressants of the nervous system, even a small amount of alcohol can result in these effects.

Repeated use of alcohol may lead to dependence or addiction. The sudden cessation of alcohol consumption produces withdrawal symptoms such as severe anxiety, tremors, hallucinations and convulsions, and can be life threatening. Long-term consumption of large quantities of alcohol, particularly when combined with poor nutrition, may also lead to permanent damage to vital organs such as the brain and liver.

Women who drink alcohol during pregnancy may give birth to infants with fetal alcohol syndrome. Infants with fetal alcohol syndrome have irreversible physical abnormalities and mental retardation. Further,

research shows that children of alcoholic parents are at greater risk than other children of becoming alcoholics themselves.

The possible effects of various controlled substances and alcohol, including the effects of an overdose and withdrawal, are identified in U. S. Department of Justice, Drug Enforcement Administration, Drugs of Abuse Publication 2011 Edition, a DEA Resource Guide [http://www.justice.gov/dea/docs/drugs\\_of\\_abuse\\_2011.pdf](http://www.justice.gov/dea/docs/drugs_of_abuse_2011.pdf)

### ***Legal Sanctions***

**Possession Of A Controlled Substance.** It is a crime under federal law to knowingly or intentionally possess a controlled substance unless the possession is otherwise permitted by law, *e.g.*, the controlled substance has been obtained pursuant to a valid prescription. The penalties for the conviction of the unlawful simple possession of a controlled substance, sometimes referred to as personal use amounts, are severe. The penalty for the first conviction is up to one year imprisonment, a fine of at least \$1000, or both. The penalty for the second conviction is imprisonment for not less than 15 days but not more than 2 years and a fine of not less than \$2,500. If there have been two or more prior convictions, the penalty is a period of imprisonment between 90 days and 3 years and a minimum fine of \$5,000.

A conviction for the possession of a mixture or substance which contains a cocaine base (such as crack cocaine) is subject to even more severe penalties. The penalty for the conviction of possession of a cocaine based controlled substance is imprisonment for a period of 5 to 20 years and a fine of no less than \$1,000, provided the amount exceeds 5 grams for the first conviction, 3 grams for the second conviction, and 1 gram for each subsequent conviction.

**Trafficking In Controlled Substances.** It is a violation of federal law to knowingly or intentionally manufacture, distribute, or dispense, or possess with the intent to manufacture, distribute, or dispense a controlled substance. As shown on page 26, penalties for trafficking in controlled substances are considerably more severe than those for the possession of a personal use amount of a controlled substance. (U. S. Department of Justice, Drug Enforcement Administration, Drugs of Abuse Publication 2011 Edition, a DEA Resource Guide, Federal Trafficking Penalties or [http://www.justice.gov/dea/docs/drugs\\_of\\_abuse\\_2011.pdf](http://www.justice.gov/dea/docs/drugs_of_abuse_2011.pdf) Page 26.) Moreover, if a person 18 years or older distributes a controlled substance to a person under 21 years of age, the penalties will be doubled for a first conviction and tripled for subsequent convictions. Similarly, penalties will be doubled for a first conviction and tripled for subsequent convictions of distributing, possessing with intent to distribute, or manufacturing a controlled substance in or within 1000 feet of an elementary or secondary school, college or university, playground, or public housing facility, or within 100 feet of a youth center, public swimming pool, or video arcade facility.

The website of the Drug Enforcement Administration, <http://www.justice.gov/dea/index.shtml> is a useful source of information about controlled substances.

**Alcohol.** It is a misdemeanor to sell or give, or cause to be sold or given, any alcoholic beverage to any person under the age of 21. A person convicted of selling or giving any alcoholic beverages to someone under age may be imprisoned for up to 1 year and fined up to \$1000. Further, no person under the age of 21 may possess an alcoholic beverage with the intent to consume it. The penalties for possession of an alcoholic beverage with the intent to consume it include a fine not exceeding \$50, completion of an alcohol awareness program, and/or community service not to exceed thirty hours.

It is a violation of New York law for a person under 21 years of age to present written evidence of age which is false, fraudulent or not his or her own, for the purpose of purchasing or attempting to purchase any alcoholic beverage. Such conduct is subject to payment of a fine of, depending on the number of prior violations, between \$50 and \$700, community service, or both, and completion of an alcohol awareness program or evaluation to determine whether the person suffers from alcoholism or alcohol abuse. Using a false or fraudulent written instrument officially issued or created by a public office or governmental instrumentality (*e.g.*, a driver's license) to procure alcohol is also a crime. The penalties include imprisonment of up to seven years and a monetary fine.

It is unlawful to drive while intoxicated, *i.e.*, blood alcohol content of .08 and higher, or “in an intoxicated condition.” It is also a criminal offense for anyone to operate a motor vehicle if the person’s ability to operate the vehicle is impaired by alcohol or other drugs.

A person under 21 years of age who drives a motor vehicle and whose blood alcohol content is between .02 and .07, is subject to civil sanctions of monetary penalties and fees, and revocation or suspension of his or her driver’s license.

The penalties for driving while intoxicated and driving while impaired, and the penalties for drivers who are under 21 and whose blood alcohol content is between .02 and .07, may be found in Appendix C. (See Appendix C – Drivers License Penalties.)

### ***University Sanctions***

Any violation of the University’s Drug and Alcohol Policy may be disciplined in accordance with the University’s disciplinary procedures for students and for employees. Further, the University may refer the student or employee for criminal prosecution. Any sanction imposed by the University is independent of, and is in addition to, any penalty imposed in connection with a criminal conviction.

The sanctions that may be imposed on a student include, but are not limited to, probation, and suspension, dismissal and expulsion from University housing and/or the University. The sanctions imposed on an employee may include the termination of his or her employment.

The sanctions described below are illustrative of the range and severity of sanctions that may be imposed on a student, but they do not constitute a complete list of the possible sanctions. In determining a sanction, the University will consider the nature and severity of the violation, the impact of the transaction on the Pace community as well as on the community at large, and the student’s disciplinary history.

Controlled Substances. Violations of the University’s Drug and Alcohol Policy relating to the unlawful possession, use, or distribution of controlled substances, even if a first offense, are considered to be extremely serious. Such violations may result in more severe disciplinary sanctions, even if there is no harm to the student, others, or property, than if the violation related to the use of alcohol. In addition to probation, suspension, dismissal or expulsion, the student may be fined up to \$200, and referred to a drug use assessment and required to comply with any recommendations.

Alcohol. There are 3 levels of alcohol violations. Greater sanctions may be imposed for each successively higher level of violation:

Level 1. Generally, a first violation and there is no harm to the student, others, or property. Sanctions include, but are not limited to, an admonition; a probationary period; participation in an alcohol prevention program (*e.g.*, Alcohol 101); a fine of \$100 or, in lieu of a fine, submitting to an alcohol use assessment and complying with any recommendations; and, community service.

Level 2. Generally, a repeat violation or a first violation that caused harm to the student, others, or property. Sanctions include, but are not limited to, submitting to an alcohol use assessment and complying with any recommendations; a probationary period; suspension, dismissal or expulsion from the University and/or University housing; a \$200 fine; and, community service.

Level 3. Generally, a repeat violation indicative of a pattern of inappropriate behavior including disregarding previous admonitions, or a serious first or second violation involving harm to the student, others, or property. Sanctions include, but are not limited to, suspension, dismissal or expulsion from the University and/or University housing; a probationary period; a \$300 fine; community service; and, submitting to an alcohol use assessment and complying with any recommendations.

### ***Reporting Requirements***

Any employee, including a student employee, who works in any capacity under a federal grant or contract must notify his or her immediate supervisor of his or her conviction for a violation of any criminal drug statute (including misdemeanors) occurring in the workplace no later than 5 calendar days after such conviction. This applies to direct charge employees and to indirect charge employees who perform any support or overhead functions related to the grant. The supervisor must then promptly report the conviction to the Vice President for Human Resources. Under the Drug-Free Workplace Act, the University is required by law to report the conviction to the federal funding agency within 10 days of receiving notice of the conviction from the employee or from any other source.

### ***Parental Notification***

If the University determines that a student under the age of 21 violated the Drug and Alcohol Policy, the University may disclose to a parent or legal guardian of the student, information regarding any violation of any federal, state, or local law, or of any rule or policy of the University, governing the use or possession of alcohol or controlled substances. If practicable, the student will be informed in advance that his or her parents or legal guardian are going to be given notice of the student's violation of the University's Drug and Alcohol Policy.

### ***Counseling and Treatment***

Students and employees who have concerns about their use of alcohol or other drugs are urged to seek assistance. Faculty and staff may obtain counseling or referrals from Human Resources (212-346-1630 in New York; 914-773-3810 in Westchester); the Pace University Employee Assistance Program, which is administered by CIGNA's Life Assistance Program (1-800-538-3543); and through the internet at <http://www.cignabehavioral.com/cgi>. The User ID is "lap" and the Password is "member". Resources for students who are seeking counseling or referrals include the Dean for Students (212-346-1306 in New York; 914-773-3351 in Westchester); Office of Residential Life (212-346-1295 in New York; 914-923-2790 in Westchester); and the Center for Student Development and Campus Activities (212-346-1590 in New York; 914-773-3767 in Westchester). Other resources available to all members of the University community include the Counseling Center (212-346-1523 in New York; 914-773-3710 in Westchester); and University Health Care (212-346-1600 in New York; 914-773-3760 in Westchester).

Organizations that provide support and assistance to individuals with substance abuse problems and to their families include:

Alcoholics Anonymous	212-870-3400
Al-Anon and Alateen	212-941-0094 (Greater New York)
Cocaine Anonymous	212-929-7300 or 212COCAINE (212-262-2463)
Covenant House Nineline	800-999-9999
Marijuana Anonymous	212-459-4423
Nar-Anon	800-984-0066
Narcotics Anonymous	212-929-6262 or 212-929-7117
Nicotine Anonymous	415-750-0328 or 877-879-6422
LIFENET Crisis Referral Hotline	800-543-3638

## **SMOKE FREE LEARNING AND WORK ENVIRONMENT**

An increasing number of studies document the health hazards of environmental tobacco smoke on both the smoker and non-smoker. In order to minimize health risks, improve the quality of air, and enhance the campus environment, Pace University has adopted a smoke-free policy.

The smoke-free policy applies to all University facilities on all campuses. This includes all meeting rooms, computer operations rooms, classrooms, offices, hallways, elevators, public or reception areas, restrooms, gymnasiums and corridors, and other common-access areas. Common-access areas of all residence halls are smoking-prohibited areas. Smoking is allowed in a dormitory room by mutual consent of its residents.

- Smoking is prohibited within 50 feet of all building main entrances.
- Smoking is prohibited in the eating facilities on all campuses.
- Smoking is prohibited in all areas where a safety hazard exists, such as storage and hazardous materials handling areas.
- Smoking is prohibited in all Pace University vehicles used for transporting employees and/or students, supplies or any other use.
- Smoking is prohibited in the Security Guard Booths.

## **REGULATION OF CONDUCT ON CAMPUSES AND COLLEGE PROPERTY USED FOR EDUCATIONAL PURPOSES**

### Section 6430—General Provisions:

Pace University has established rules and regulations as enumerated in this Handbook and in other University publications, in compliance with the New York State Education Law and the General Municipal Law for the maintenance and enforcement of public order.

Item 11 of the Pace University Guiding Principles of Conduct expressly provides that engaging in any of the following conduct constitutes a violation of University rules and regulations and shall be considered sufficiently serious to warrant disciplinary action: “Any action or situation involving physical or mental abuse such as harassment; intimidation or hazing (defined as subjecting a person to treatment intended to put him/her in a humiliating or disconcerting position), the forced consumption of liquor, drugs or other liquid or solid substance for the purpose of initiation into or affiliation with any organization; or other conduct that recklessly or intentionally endangers or threatens the health, safety or welfare of any person, regardless of whether or not the behavior occurs on or off University premises, or University operated property or at University sponsored activities.”

Such rules and regulations shall govern the conduct of students, faculty and other staff as well as visitors, licensees, and invitees on Pace campuses, properties, and at University sponsored activities. The penalties for violations of these rules and regulations are clearly set forth in this Handbook and shall include provision for the ejection and ban of a violator from Pace University campuses. In the case of a student, staff or faculty violator, penalties may include suspension, expulsion or other appropriate disciplinary action, and in the case of an organization which authorizes such conduct, withdrawal of permission for that organization to operate on Pace University property or at any Pace sponsored activities or events on or off campus. Such penalties shall be in addition to any penalty pursuant to the penal law or any other law to which a violator or organization may be subject.

A copy of these rules and regulations shall be given to all students enrolled at Pace and shall be deemed to be part of the by-laws of all organizations operating on Pace campuses. Organizations agree to annually review their by-laws with individuals affiliated with such organizations.

(Compliance with Chapter 597, Article 129-A as amended; Section 6430: September 30, 2003).

## **President’s Advisory Committee on Campus Security**

In 1999, in compliance with federal and state laws, Pace University established the President’s Advisory Committee on Campus Security. The committee is comprised of a minimum of six members, at least half of which are female: one third of the committee are students appointed by Student Government

Associations, one-third being faculty appointed by campus faculty councils, and one-third being administrators appointed by the President of Pace University.

The committee reviews current campus security policies and procedures and makes recommendations for their improvement. It specifically reviews current policies and procedures for:

- a) educating the campus community, including security personnel and those persons who advise or supervise students, about sexual assault
- b) educating the campus community about personal safety and crime prevention
- c) reporting sexual assaults and dealing with victims during investigations
- d) referring complaints to appropriate authorities
- e) counseling victim's, and
- f) responding to inquiries from concerned persons

The committee reports in writing to the president on its findings and recommendations at least once each academic year; the report is available upon request.

In compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, 20 U.S.C. §1092(f) and section 6433 of New York State Education Law, Pace University's campus crime statistics can be found on the Pace University Web site at <http://www.pace.edu/> (select "S" from the A-Z index, then Safety and Security, then Campus Statistics).

The Presidents' Advisory Committee on Campus Security will provide upon request all campus crime statistics as reported to the United States Department of Education. (USDE) The USDE Web site for campus crime statistics is <http://securityoncampus.org>. The Pace University official charged with responsibility for collecting and reporting campus crime statistics is the executive director of Safety and Security, (914) 773-3700.

Upon request, the University shall provide a hard copy of Pace's campus crime statistics, mailed to the individual requesting the report, within 10 days of the request, and that information will include all of the statistics that the University is required to ascertain per federal law. The President's Advisory Committee, the executive director of Safety and Security, and the president will take steps to inform students and prospective students of the existence of the campus crime statistics on an annual basis and other safety policies and procedures of the University.

In compliance with section 6434 of the New York State Education Law, Pace University has implemented a plan providing for the investigation of any violent felony offense occurring at or on the premises of Pace University and providing for the investigation of a report of any missing student. These plans provide for the coordination of the investigation of such crimes and reports with local law enforcement agencies. Such plans include but are not limited to written agreements with appropriate local law enforcement agencies providing for the prompt investigation of such crimes and reports.

Pace University campus crime statistics can be found at

<http://www.pace.edu/general-services/safety-security/campus-statistics>.

In addition, the Pace University President's Advisory Committee on Campus Security will provide upon request all campus crime statistics as reported to the United States Department of Education. Contact Mr. Vincent Beatty, Executive Director, Safety and Security, at 914-773-3604, to request a hardcopy of the University's campus crime statistics. The United States Department of Education reports campus crime statistics at <http://ope.ed.gov/security/index.aspx>.

**Pace University Security and Police Coordination Plan for Investigation of Criminal Offenses (Including Violent Felony Offenses) and Missing Students Reports**

[http://www.pace.edu/general-services/sites/pace.edu.general-services/files/Safety\\_Security/Policy\\_Procedures/Pace%20Security%20and%20Police%20Coordination%20Plan%20for%20Investigation%20of%20Criminal%20Offenses%20and%20Missing%20Student%20Reports.pdf](http://www.pace.edu/general-services/sites/pace.edu.general-services/files/Safety_Security/Policy_Procedures/Pace%20Security%20and%20Police%20Coordination%20Plan%20for%20Investigation%20of%20Criminal%20Offenses%20and%20Missing%20Student%20Reports.pdf)

## **PACE UNIVERSITY FERPA POLICY**

The Family Educational Rights and Privacy Act (“FERPA”) is a federal law designed to protect the privacy of a student’s education records, establish a student's right to access and review his or her education records, provide guidelines for the correction of inaccurate and misleading information that may be contained in those education records, and create a right to file complaints about alleged FERPA violations with the Department of Education.

Once a student reaches 18 years of age or attends a postsecondary institution, the rights created by FERPA transfer from the student’s parents to the student. These rights include:

- The right to have access to and review his or her education records maintained by the postsecondary institution.
- The right to seek amendment of his or her education records that contain inaccurate and misleading information.
- The right to limit the disclosure of personally identifiable information in his or her education record.
- The right to file a complaint about alleged FERPA violations with the Family Policy Compliance Office of the Department of Education.

FERPA protects personally identifiable information in a student’s education records. Education records are defined under FERPA as those records, files, data, video and audio tapes, handwritten notes and other material that contain information that is directly related to a student and maintained by Pace University or a party acting for the University. There are exceptions, however, to the definition of education records. For example, the term education record does not include:

- Records kept in the sole possession of the maker, used only as a personal memory aid, and are not accessible or revealed to any other person except a temporary substitute for the maker of the records
- Records of the Safety and Security Department of the University.
- Records relating to a student’s employment with the University.
- Records maintained by a physician, psychiatrist, psychologist, and other health care professionals in connection with treatment of a student.
- Records created or received by the University after a student is no longer in attendance and that are not directly related to the student’s attendance at the University.
- Grades on peer-graded papers before they are collected and recorded by the instructor.

Personally identifiable information includes, but is not limited to:

- The student’s name.
- The name of the student’s parents or other family members.
- The address of the student or the student’s family.
- The student's social security number or student identification number.



- Other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name.
- Any information that alone, or in combination with other information, is linkable to a specific student that would allow a reasonable person who does not have knowledge of the relevant circumstances to identify the student with reasonable certainty.

### **Access to and Review of Education Records**

Under FERPA, a student has the right to have access to and review his or her education records with the exception of the following records: (i) information contained in an education record concerning students other than the student whose education record is being accessed; (ii) financial records, including any information those records contain, of the student's parents; and (iii) confidential letters and statements of recommendation placed in the student's education records after January 1, 1975 provided the student has waived his or her right to review those letters, and confidential letters and statements of recommendation placed in the student's education records before January 1, 1975 and used only for the purpose for which they were specifically intended. (In order to waive the right to review confidential letters and statements of recommendation in a student's education record, the student must submit a completed and signed *Waiver of Right to Review Confidential Letters and Statements of Recommendation* form to the Office of Student Assistance.)

Any student who wishes to access and review his or her education records must submit a dated written request to the custodian of the record, e.g., the Office of Student Assistance, a department chair, a program director, a faculty member. No later than 45 days after receiving the student's request, the custodian will make arrangements for the student to review his or her education records. A representative of the University may be present during the inspection, and the student may be required to present valid photo identification before accessing the records. Photocopies of the records are available upon request and for a fee of fifteen cents per page.

### **Amendment of Education Records**

Under FERPA, a student who believes information in his or her education records is inaccurate, misleading, or in violation of the student's privacy rights recognized by FERPA, has the right to request that the records be amended. The right to seek amendment of an education record does not include changes to a grade unless the grade assigned was inaccurately recorded, an opinion, or a substantive decision made by the University about the student.

To request an amendment, the student must submit a written request to the custodian of the record. The request should clearly identify the portion of the record the student seeks to have amended and specify the reasons for the requested amendment. If the custodian of the record determines the information contained in the record is inaccurate, misleading, or in violation of the student's privacy rights recognized by FERPA, the custodian will amend the record and notify the student of the amendment in writing.

If the custodian determines an amendment of the student's education record is not warranted because it is not inaccurate, misleading or in violation of the student's privacy rights recognized by FERPA, the custodian will inform the student in writing of the decision not to amend and will also inform the student of his or her right to a hearing on the matter. The student's written request for a hearing must be received by the dean for students of the student's home campus within 30 calendar days of the date of the custodian's decision denying an amendment, and the hearing shall be held within a reasonable time thereafter. Within 5 business days after receiving the student's written request for a hearing, the dean for students or his or her designee will appoint a hearing officer to review the matter. The hearing officer must be a University representative with no direct interest in the outcome of the matter.

The hearing officer shall, in his or her sole discretion, determine whether, under the circumstances, the hearing should be conducted in-person or by telephone. The hearing officer shall provide the student and the custodian of the education record at issue with reasonable notice of the date, time, and place of the hearing if it is to be in-person and the date and time if it is to be conducted by telephone. The student and the custodian shall each have the opportunity to present evidence at the hearing in support of their respective positions. The student may, at his or her own expense, be assisted or represented by one or more individuals, including an attorney, of the student's choice.

Within a reasonable time after the hearing, the hearing officer will notify the student and the custodian of the record in writing of the hearing officer's decision. The hearing officer's decision must be based solely on the evidence presented at the hearing and must include a summary of the evidence and the reasons for the decision. If the hearing officer determines the information contained in the record is inaccurate, misleading, or in violation of the student's privacy rights recognized by FERPA, the record will be amended. However, if the hearing officer determines the information is not inaccurate, misleading, or otherwise in violation of the student's privacy rights recognized by FERPA, the education record will not be amended and the student has the right to place a statement in his or her record commenting on the contested information and explaining why he or she disagrees with the hearing officer's decision.

### **Disclosure of Education Records to Third Parties**

Absent an exception under FERPA, the University must obtain a student's prior written consent before it discloses personally identifiable information from a student's education records to a third party. In order to authorize the disclosure of personally identifiable information from his or her education records to a third party, a student must complete, sign and date the *Authorization to Disclose Information from Education Records* form and submit it to the custodian of the record from which the disclosure is to be made.

FERPA provides a number of exceptions, however, that allow the University to disclose information from a student's education record without the student's consent. Circumstances under which the University may disclose personally identifiable information from a student's education records without obtaining the student's consent, include, but are not limited to, the following:

- To University officials with a legitimate educational interest in the personally identifiable information to be disclosed. A University official includes, without limitation, faculty; officers; administrators; administrative assistants and clerical staff; safety and security staff; trustees; attorneys; auditors; health care providers; members (including student members) of University-sponsored committees and disciplinary boards; student employees assisting other University officials in performing their duties and responsibilities for the University; and a contractor, volunteer or other party to whom the University has outsourced University services or functions. A University official has a legitimate educational interest in the personally identifiable information to be disclosed if the official needs to review the education record in order to fulfill his or her professional duties and responsibilities for the University.
- To officials of another school in which the student seeks or intends to enroll
- To the parents of a tax-dependent student as defined in section 152 of the Internal Revenue Code of 1986.
- In connection with the student's request for or receipt of financial aid if the information is necessary to determine the eligibility, amount or conditions of the aid, or to enforce the terms and conditions of the aid.
- In connection with a health or safety emergency if knowledge of the personally identifiable information is necessary to protect the health or safety of the student or other individuals.
- To the parents of a student under the age of 21 at the time of disclosure, and the disclosure concerns the student's violation of a federal, state or local law or University policy regarding the use or possession of alcohol or a controlled substance, provided the University has determined the student has committed a disciplinary violation with respect to the use or possession, and the disclosure does not conflict with any state law that prohibits such disclosure.
- Directory information (see discussion below of directory information).
- To comply with a judicial order or lawfully issued subpoena.

- To a victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense concerning the final results of a disciplinary hearing with respect to the alleged crime.
- The final results of a disciplinary proceeding related to a crime of violence or non-forcible sex offense may be released to any third party if the student who is the alleged perpetrator is found to have violated the University's policies. Disclosure under this exception is limited to the name of the student perpetrator, the violation committed, and any sanction imposed. The disclosure shall not include the name of any other student, including the victim or a witness, without the prior written consent of the other student.
- To authorized representatives of the Comptroller General of the United States, the Attorney General of the United States, the U.S. Secretary of Education, and state and local educational authorities for audit or evaluation of federal or state supported education programs, or for the enforcement of or compliance with federal legal requirements that relate to those programs.
- To organizations conducting studies for or on behalf of the University for the purposes of administering predictive tests or student aid programs, or improving instruction.
- To accrediting organizations to carry out their accrediting functions.

### **Directory Information**

FERPA permits the University to disclose directory information to the public without obtaining the student's prior written consent. Directory information is defined by FERPA as information contained in a student's education record that would not generally be considered harmful or an invasion of privacy if disclosed. The University has defined directory information more specifically as:

- Student's name
- Campus telephone number
- Campus address
- University e-mail address
- Date of birth
- College or school in which the student is enrolled
- Program and/or field of study
- Enrollment status, e.g., undergraduate or graduate student, full-time, part-time, not enrolled, graduated
- School attended immediately prior to enrolling at the University
- Dates of attendance
- Degrees and honors
- Awards received
- The weight and height of members of athletic teams

Students may "opt out" of directory information and request that directory information, as defined above, be withheld, in whole or in part, and released only with the student's prior written authorization. Students who wish to opt-out of some or all of the directory information must complete and sign a *Request to Opt-out of Directory Information* form and submit it to the Office of Student Assistance on or before September 30 of each year. (Students who transfer to the University in the spring semester or return to the University in the

spring semester after a leave of absence must submit a completed and signed *Request to Opt-out of Directory Information* form to the Office of Student Assistance on or before February 15.) Students who wish to revoke their previous request to opt-out of some or all of the directory information must submit a completed and signed *Request for Revocation of Opt-out of Directory Information* form to the Office of Student Assistance.

### **Complaints of Alleged Failures to Comply with FERPA**

A student who believes his or her FERPA rights have been violated or that the University has failed to comply with the requirements of FERPA has the right to file a complaint with the federal office that administers FERPA. Complaints should be addressed to:

Family Policy Compliance Office  
US Department of Education  
400 Maryland Ave, SW  
Washington, DC 20202-5901  
Phone: 202-260-3887

### **Additional Information about FERPA**

The following U.S. Department of Education publications provide additional information for students and parents about FERPA: [Frequently Asked Questions about FERPA](#), [Disclosure of Information from Education Records to Parents of Students Attending Postsecondary Institutions](#), and [FERPA General Guidance for Students](#).

## **AFFIRMATIVE ACTION POLICY STATEMENT**

The Affirmative Action Policy of Pace University is adopted pursuant to its commitment to the principles of equal opportunity for all minorities and women, which specifically pledges the University to a policy of non-discrimination toward any person in employment or in any of its programs because of race, color, religion, disability, national or ethnic origin, sexual orientation, age, sex or marital status. Pace University admits, and will continue to admit, qualified students of any race, color, religion, disability, national or ethnic origin, sexual orientation, age, sex or marital status, to all rights, privileges, programs and activities generally accorded or made available to students at the school. It does not, and will not discriminate on the basis of race, color, religion, disability, national or ethnic origin, sexual orientation, age, sex or marital status, in administration of its educational policies, admissions policies, scholarship and loan programs, and athletic and other school-administered programs.

Persons who believe that their rights or privileges have not been respected or violated under the policy may address their concerns, claims or inquiries concerning the application of Title IX and implementing regulations, as well as inquiries concerning the application of the Americans with Disabilities Act, Section 504 of the Rehabilitation Act, and Title VI of the Civil Rights Act, to the Title IX Coordinator/Affirmative Action Officer or Assistant Secretary for Office for Civil Rights [www.ed.gov/ocr](http://www.ed.gov/ocr).

### **Title IX Coordinator/Affirmative Action Office Contact Information**

#### **A. Lisa Miles**

Title IX Coordinator/Affirmative Action Officer  
163 Williams Street  
10th Floor, Room #1017  
New York, NY 10038  
NYC Campus  
Phone: 212-346-1310  
Fax: 914-989-8032  
E-Mail: [amiles@pace.edu](mailto:amiles@pace.edu)

**Zoila Perez**  
Sr. EEO Coordinator  
163 Williams Street  
10th Floor, Room #1016  
NYC Campus  
Phone: 212-346-1310  
Fax: 914-989-8032  
E-Mail: [ZPerez@pace.edu](mailto:ZPerez@pace.edu)

## **AIDS/HIV POLICY**

The American College Health Association (ACHA), with the assistance of the American Council on Education and the Centers for Disease Control, has recommended that institutions not adopt blanket policies concerning students with Acquired Immune Deficiency Syndrome (AIDS) or AIDS Related Conditions (ARC). Instead, it suggests that the institution analyze and respond to each case as required by its own particular facts.

The following facts, according to ACHA, are derived from the best epidemiological data currently available and provide the basis for the guidelines offered by the ACHA:

- Students or employees with AIDS, ARC or a positive Human Immunodeficiency Virus (HIV) antibody test do not pose a health risk to other students or employees in an academic setting.
- AIDS is thought to be transmitted by intimate sexual contact or by exposure to contaminated blood. Although HIV can be found in many body secretions of those who are infected, its presence there is not necessarily correlated with disease transmission by those fluids.
- There has been no confirmed case of transmission of AIDS by any household, school or other causal contact.

The Public Health Service states that there is NO RISK created by living in the same house as an infected person; caring for an AIDS patient; eating food handled by an infected person; being coughed or sneezed upon by an infected person; casual kissing; or swimming in a pool with an infected person. The University adopts the following recommendations of the Public Health Service:

- a. Even though they may be asymptomatic, persons with confirmed positive HIV antibody tests may transmit infection to others through anal or vaginal sexual intercourse, the sharing of needles, and possibly, exposure to others through oral-genital contact or intimate kissing.
- b. The efficacy of condoms in preventing infection with HIV is unproven, but the consistent use of them may reduce transmission.
- c. Toothbrushes, razors and other implements that may become contaminated with blood should not be shared.
- d. Persons with AIDS, ARC, or confirmed positive HIV antibody tests should not donate blood, plasma, other body organs, other body tissues or sperm.
- e. If persons with confirmed reactive (positive) antibody tests have accidents involving bleeding, contaminated surfaces should be cleaned with household bleach freshly diluted 1:10 in water.
- f. Any student or staff member seeking medical, dental, or eye care, should advise the practitioner of their positive antibody status so that appropriate evaluation can be undertaken and precautions can be taken to prevent transmission to others.

The following guidelines of the ACHA have been adopted by the University and they are applicable to all students or employees who are known to be infected with the virus (HIV), thought to cause AIDS; this includes those who have a condition meeting the surveillance definition of AIDS itself, those who have one of the lesser manifestations of infection, such as ARC, and those who are currently healthy but have evidence, by the presence of a serum antibody to HIV, of exposure to and infection by the virus.

1. Consideration of the existence of AIDS, ARC or a positive HIV antibody test shall not be part of the initial admissions decision for those applying to attend the institution.
2. The University shall not undertake programs of screening newly admitted or current students for antibody to HIV; neither shall mandatory screening of employees be implemented.
3. Most students who have AIDS, ARC or a positive HIV antibody test, whether they are symptomatic or not, should be allowed regular classroom attendance in an unrestricted manner as long as they are physically able to attend classes.
4. There is no medical justification for restricting the access of students with AIDS, ARC or a positive HIV antibody test to student unions, theaters, restaurants, cafeterias, snack bars, gymnasiums, swimming pools, recreational facilities or other common areas.
5. The University, through seminars and distribution of materials shall provide all students, and particularly resident students and residence hall staff, with education about AIDS.
6. Neither new nor currently enrolled students are required to inform campus health authorities if they have AIDS, ARC or a positive HIV antibody test. However, students are encouraged to do so, in order for the University to provide proper medical care referrals and education.
7. Those who advise the University that they are immunologically compromised may be excused from institutional requirements for certain vaccinations, notably measles and rubella vaccines, as those vaccinations may lead to serious consequences in those with poorly functioning immune systems.

8. University health services are familiar with sources of confidential testing for the antibody to HIV, where both pre and posttest counseling are available, and can refer students or employees requesting same.
9. Decisions about residential housing of students with AIDS, ARC or a positive HIV antibody test shall be made on a case-by-case basis. The best currently available medical information does not support the existence of a risk to those sharing dormitories with infected individuals. However, in some circumstances, there may be reasonable concern for the health of those with AIDS or ARC who might be exposed to certain contagious diseases (e.g., measles or chicken pox) in a close living situation. In such situations, if private residence hall rooms are available, the University may recommend that students with AIDS or ARC be assigned private rooms in the interest of protecting the health of those students.
10. The University has adopted safety guidelines for the handling of blood and body fluids of all students. Laboratories used in a teaching context, such as those required in biology courses, should be safe experiences. Laboratory courses requiring exposure to blood, such as finger pricks for blood typing or examination, should use disposable devices.
11. Consistent with the Family Education Rights and Privacy Act of 1974 (the "Buckley Amendment"), no specific or detailed information concerning complaints or diagnosis shall be provided to faculty, administrators, or outside persons, groups, agencies, insurers, employers, institutions or even parents, without the express written permission of the patient in each case.
12. The duty of physicians and other health care providers to protect the confidentiality of information is superseded by the necessity to protect others only in very specific, threatening circumstances. University health services must strictly observe public health reporting requirements for AIDS. The number of people in the University who are aware of the existence and/or identity of students or employees who have AIDS, ARC or a positive HIV antibody test shall be kept to an absolute minimum, both to protect the confidentiality and privacy of the infected persons and to avoid the generation of unnecessary fear and anxiety among other students and staff.
13. The University encourages regular medical follow-up for those who have AIDS, ARC or a positive HIV antibody test.

## **PACE UNIVERSITY POLICY AND PROCEDURE - DISCRIMINATION, NON SEX-BASED<sup>1</sup> HARASSMENT AND RETALIATION**

Pace University is strongly committed to maintaining a working and learning environment that is free from unlawful Discrimination, Harassment or Retaliation. The University is an equal opportunity employer and an academic institution which strongly believes that all employment and academic decisions must be made without regard to whether an employee or student possesses characteristics protected by federal, state, or local law and this Policy and Procedure ("protected characteristics").

All University officers, administrators, supervisors, staff, faculty members, students, visitors and applicants, as well as vendors, consultants and contractors with whom the University does business are prohibited from engaging in Discrimination, Harassment or Retaliation in violation of this Policy and Procedure.

If you believe that you have been Discriminated against or subjected to Harassment on the basis of any of the protected characteristics described in this Policy and Procedure, or if you believe you have been Retaliated against for making a good faith complaint of prohibited Discrimination or Harassment or for participating in an investigation into a complaint or report of prohibited Discrimination or Harassment, you may report such incident(s) to the persons identified in the Complaint Procedure set forth below.

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<sup>1</sup> This Policy and Procedure does not apply to reports of sexual assault, sexual harassment, gender-based harassment, dating violence, domestic/intimate partner violence, sexual exploitation, and stalking, which are subject to investigation exclusively pursuant to the University's Sex-Based Misconduct Policy and Procedure,

<http://www.pace.edu/sites/default/files/files/SexualMisconductPolicy/SexualMisconductPolicy.pdf>

University officers, administrators and other employees with managerial or supervisory authority (*e.g.*, supervisors, directors, managers, Deans, Department Chairs, etc.) - must report any Discrimination, Harassment or Retaliation that comes to their attention, regardless of whether a complaint is made. All other University staff, faculty, students or third parties who have witnessed or learned of conduct prohibited by this Policy and Procedure are strongly encouraged to promptly report it to the persons identified in the Complaint Procedure section of this Policy and Procedure.

The University shall take prompt and appropriate corrective action whenever instances of alleged prohibited Discrimination, Harassment and/or Retaliation come to its attention. The University is committed to investigating all instances of alleged or suspected prohibited Discrimination, Harassment and/or Retaliation, including anonymous complaints or reports from anonymous sources, even if the victim of such Discrimination, Harassment and/or Retaliation does not make a complaint, does not want the matter investigated or does not cooperate with the investigation.

This Policy and Procedure applies regardless of the sexual orientation, sex, gender identity, age, race, nationality, religion or disability of parties and witnesses. Reasonable accommodations will be provided to individuals with disabilities when necessary to allow them to fully utilize this Policy and Procedure.

## **DEFINITION OF DISCRIMINATION**

Discrimination is the materially adverse treatment of an individual or group of individuals because they possess a protected characteristic. These characteristics include: sex, gender or gender identity; race; color; national origin; religion; creed; age; disability; citizenship; marital or domestic partnership status; sexual orientation; genetic predisposition or carrier status; military or veteran status; status as a victim of domestic violence, sex offenses or stalking and any other characteristics that may be protected by law.

The definition of Discrimination includes: unequal treatment in regards to the terms and conditions of employment (*e.g.*, hiring, firing, compensation, benefits, assignment, transfer, recall, layoff, recruitment, testing, access to facilities and programs, training, etc.); and unequal treatment in terms of academic programs (*e.g.*, grading, class assignments, testing, internships, fellowships, work study, scholarships, access to facilities, admission to programs, etc.) based on a protected characteristic.

Prohibited Discriminatory practices include:

- employment or academic decisions based on stereotypes or assumptions about the abilities, traits or performance of individuals with protected characteristics;
- denying employment or academic opportunities to a person because of marriage to or association with an individual with a protected characteristic.
- Discriminatory practices by third parties (*e.g.*, visitors, applicants, vendors, consultants, contractors, alumni, etc.) are also prohibited. The third party violates this Policy and Procedure if it engages in conduct which affects the work or learning environment of University employees or students in a Discriminatory, Harassing or Retaliatory manner prohibited by this Policy and Procedure, while they are on the premises of the University or otherwise working or interacting with University students or employees.

## **DEFINITION OF HARASSMENT**

A. Harassment. Harassment on the basis of any protected characteristics described in this Policy and Procedure is strictly prohibited by this Policy and Procedure and is a form of discrimination prohibited by various statutes including Title VI of the Civil Rights Act of 1964, Title IV of the Higher Education Act of 1965, as amended, Title VII of the Civil Rights Act of 1964, the New York State Human Rights Law, Westchester County Human Rights Law and the New York City Human Rights Law. For purposes of this

Policy and Procedure, Harassment is defined as physical, verbal, visual or other conduct relating to any protected characteristics described in this Policy and Procedure other than sex or gender when:

- submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic status (quid pro quo harassment);
- submission to, or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting such individual (quid pro quo harassment); or
- such conduct has the purpose or effect of interfering unreasonably with an individual's work or academic performance, or creating an intimidating, hostile, or offensive work or academic environment that is, or would be, offensive to a person of reasonable sensitivity and sensibilities (hostile environment Harassment).

This definition prohibits conduct which is intentional and also conduct which, regardless of intent, has the effect or impact of creating an intimidating, hostile or offensive working or learning environment on the basis of any protected characteristics described in this Policy and Procedure other than sex or gender.<sup>2</sup> Therefore, it makes no difference in determining whether conduct violates the Policy and Procedure, that the person accused of violating this Policy and Procedure ("Respondent") was "just joking", "teasing" or being "playful" or had an evil motive. The fact that a person does not object to the alleged Harassing conduct or does not request that the Harassing conduct stop does not mean that he/she welcomes the conduct. Harassing conduct prohibited by this Policy and Procedure includes, but is not limited to, such things as:

- making or threatening reprisals after a negative response to a request to engage in Discriminatory conduct;
- engaging in visual conduct such as leering or making obscene, taunting or threatening gestures;
- displaying suggestive, obscene or degrading material, objects, pictures, cartoons, posters;
- using visual or audio electronic devices or media (such as radio, television, telephone, social media, computers, email, etc.) to broadcast, distribute or transmit offensive statements, images or other material;
- making derogatory comments about a an individual's protected characteristics; or jokes concerning protected characteristics or traits;
- Using degrading words relating to an individual's or group of individuals' protected characteristics to describe the individual(s);
- engaging in verbal or written slurs, degrading or negative stereotyping; and
- engaging in physical conduct such as touching, petting, pinching, impeding or blocking movements, or assault.

Harassment is also prohibited if it involves Harassment by or of a co-worker, supervisor, officer, administrator, visitor, or person doing business with the University as defined by this Policy and Procedure. Harassment is also prohibited if it involves Harassment by or of a faculty member or student, or between students.

### **RETALIATION DEFINED**

Retaliation occurs when an adverse action is taken against an individual because the individual has engaged in an activity protected by law or this Policy and Procedure. A Retaliation claim is established if a person who engages in activity protected by law or this Policy and Procedure, suffers an adverse action in their work or learning environment and there is a causal nexus between the adverse action and the protected activity. An adverse action is one that materially affects a term or condition of an individual's employment, education, living environment or participation in a University activity or program. It includes any conduct which would deter a reasonable person from engaging in protected activity.

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<sup>2</sup> See footnote 1, *supra*, regarding the University's Sex-Based Misconduct Policy pursuant to which complaints and reports of sexual and gender based harassment are investigated.



## **RETALIATION IS PROHIBITED**

Retaliation of any kind against an individual who makes a good faith report of unlawful Discrimination or Harassment, or who participates in an investigation into a complaint of prohibited Discrimination or Harassment, is strictly prohibited. Retaliation is prohibited regardless of whether the underlying complaint of Discrimination or Harassment is substantiated. If you believe you have been Retaliated against for making a good faith complaint of prohibited Discrimination or Harassment, or for participating in an investigation into a complaint of prohibited Discrimination or Harassment, you may immediately report such incident(s) to the persons identified in the Complaint Procedure set forth below.

## **LOCATION OF DISCRIMINATION, HARASSMENT OR RETALIATION**

This Policy and Procedure prohibits Discrimination, Harassment and Retaliation in the employment and academic environment of the University. That environment is not limited to the property boundaries of the University's campuses. The University's employment and academic environment extends throughout the United States and abroad, wherever the University's students and employees and those of third parties associated with the University participate in or support University activities and programs. Conduct and behavior at off-campus activities and programs (*e.g.*, off-campus classes or lectures, athletic events, development activities, alumni events, study abroad, etc.) are regulated by this Policy and Procedure. The relevant inquiry focuses on whether prohibited conduct had an impact or effect on the work or learning environment of persons covered by this Policy and Procedure. Therefore, the Policy and Procedure may be violated even if the prohibited conduct occurs off-campus or during an employee's, student's or third party's off-duty time.

### ***ADMINISTRATION AND ENFORCEMENT--Who administers this Policy and Procedure?***

The Title IX Coordinator/Affirmative Action Officer is responsible for ensuring the University's compliance with discrimination laws and for administering this Policy and Procedure. The Title IX Coordinator/Affirmative Action Officer is Arletha (Lisa) Miles. She can be reached at 163 William Street, 10th Floor or (212) 346-1310 (212)346-1310 or (914)923-22610 or at [amiles@pace.edu](mailto:amiles@pace.edu).

The Title IX Coordinator/Affirmative Action Officer is available to answer any questions that members of the University community may have about this Policy and Procedure and to assist them in gaining access to available resources.

## **COMPLAINT PROCEDURE**

This Complaint Procedure provides for (i) a prompt, appropriate and impartial investigation of any complaint of prohibited Discrimination, Harassment and/or Retaliation; (ii) appropriate disciplinary action against an individual found to have engaged in prohibited Discrimination, Harassment or Retaliation; and (iii) appropriate remedies for a victim of prohibited Discrimination, Harassment and/or Retaliation.<sup>3</sup>

The persons listed below have been designated by the University as the individuals with whom complaints or reports of Discrimination, Harassment or Retaliation prohibited by this Policy and Procedure shall be filed:

Students:	Title IX Coordinator/Affirmative Action Officer, Campus Dean for Students, Vice President for Human Resources, University Counsel
Staff:	Title IX Coordinator/Affirmative Action Officer, Employee's Supervisor, Employee's Manager, Vice President for Human Resources, University Counsel

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<sup>3</sup> If a tenured faculty member or full-time non-tenured faculty member prior to expiration of a contract of appointment is determined pursuant to this Policy and Procedure to have engaged in prohibited Discrimination, Harassment or Retaliation, any suspension or termination of such faculty member will be subject to the University's Academic Dismissal Policy and Procedure.

Faculty: Title IX Coordinator/Affirmative Action Officer, Dean, Provost, Vice President  
for Human Resources, University Counsel

These persons will accept the complaint/report and refer it to the Title IX Coordinator/Affirmative Action Officer and other appropriate individuals to initiate an investigation in accordance with this Complaint Procedure.

## **THE COMPLAINT**

Complaints of prohibited Discrimination, Harassment and/or Retaliation, or reports of such conduct, may be made verbally or in writing, but persons who make a complaint claiming to be a victim (“Complainants”) or other persons reporting such conduct, are strongly encouraged to file a written complaint or a written report. Written complaints should be made using the Complaint Form annexed hereto as “Appendix A.” Complaints or reports should be as detailed as possible and should include the name(s) of the individual(s) involved, the name(s) of any witness(es), when and where the complained of conduct occurred, direct quotes and/or evidence (e.g., notes, emails, pictures, etc.) of the complained of conduct, indirect evidence (e.g., statistical information reflecting Discrimination), whether or not the conduct complained of has been reported to the University before and if so, when, to whom, and what the resolution of the previous complaint was.

If the Complainant or person reporting the alleged violation, requests confidentiality, the University will take reasonable steps to investigate and respond consistent with any such request. If the Complainant or person reporting the alleged violation, asks that the complaint or report not be pursued, or refuses to participate further in the investigation, they will be informed that their lack of participation may impede the investigation and resolution of the matter. The University shall have discretion to determine how best to proceed in investigating and responding in any such situations.

## **TIMELINESS OF COMPLAINT**

There is no statute of limitations with respect to alleged violations of this Policy and Procedure. However, Complainants or persons with knowledge of a violation are urged to report the alleged violation as soon as possible in order to permit the best possible investigation to be conducted. The availability and memory of witnesses and the availability of documentary evidence, particularly electronic evidence, may be diminished by the passage of time. University officers, administrators and employees with managerial or supervisory authority (e.g., supervisors, directors, managers, Deans, Department Chairs, etc.) must report any Discrimination, Harassment or Retaliation that comes to their attention as soon as possible, regardless of whether a complaint is made.

## **PRELIMINARY DETERMINATION**

Prior to the commencement of an investigation under this Policy and Procedure, the Title IX Coordinator/Affirmative Action Officer shall make a preliminary determination as to whether the complaint or report of an alleged violation is within the scope of this Policy and Procedure (whether the complaint or report is describing facts and/or making allegations, which, if true, would constitute Discrimination or Harassment based on protected characteristics or Retaliation in violation of this Policy and Procedure). If the Title IX Coordinator/Affirmative Action Officer determines that the complaint or report is alleging sexual assault, sexual harassment, gender-based harassment, dating violence, domestic intimate partner violence, sexual exploitation or stalking, the complaint or report will be referred for investigation pursuant to the University’s Sex-Based Misconduct Policy and Procedure. If the Title IX Coordinator/Affirmative Action Officer determines that the complaint or report of an alleged violation is not within the scope of this Policy and Procedure or the Sex-Based Misconduct Policy and Procedure, the complaint or report will be referred to appropriate University administrators for their consideration in accordance with other applicable University policies.

## **THE INVESTIGATION**

All complaints or reports of prohibited Discrimination, Harassment and Retaliation, will be promptly and appropriately investigated by the Title IX Coordinator/Affirmative Action Officer or another individual or individuals selected from a trained pool of investigators. (The individual who investigates the complaint is hereafter referred to as the “Investigator.”) Investigators will advise Complainants of the availability of counseling, medical or other support services.

## **SELECTION OF THE INVESTIGATOR**

In the ordinary course, the Investigator will be the Title IX/Coordinator/Affirmative Action Officer. However, if the Title IX Coordinator/Affirmative Action Officer is unavailable or has a conflict of interest, or the University determines due to the circumstances that another Investigator should investigate the complaint or report, then the Investigator will be selected from a pool of individuals from the University who have been trained in the requirements of this Policy and Procedure, Title VI of the Civil Rights Act of 1964, Title IV of the Higher Education Act of 1965, as amended, Title IX of the Education Act Amendments of 1972 and the employment discrimination statutes. Such training, in addition to ensuring Investigators understand what constitutes Harassment, Discrimination and Retaliation, will also include the methodology for conducting investigatory interviews, gathering and summarizing evidence, writing reports and general investigatory techniques. Similarly trained individuals from outside the University, who may be attorneys, may also be selected to be the Investigator. Selection of an Investigator will be by the Chief Administrative Officer in consultation with the Title IX Coordinator/Affirmative Action Officer and University Counsel.<sup>4</sup>

The following Complaint Procedure Diagram, identifies the persons to whom complaints will be referred and the Decision Makers and Appeal Officers who will be involved in resolving the complaint. As you can see, the identity of these persons varies depending upon whether the Respondent is a student, faculty member, other employee, or a third party. In the event there is no actual complaint from a Complainant, the University will nonetheless address any report of a violation of this Policy and Procedure by making a reasonable effort to follow the steps contained in the Complaint Procedure Diagram.

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<sup>4</sup> In the event that the Chief Administrative Officer has a conflict of interest, another appropriate University Administrator will select the Investigator, in consultation with the Title IX Coordinator/Affirmative Action Officer and University Counsel.

**Complaint Procedure Diagram (Insert phone numbers and email addresses)**

<b>Respondent</b>	<b>Complaint Intake Person</b>	<b>Investigator</b>	<b>Decision Maker</b>	<b>Appeal Officer</b>
Faculty Member	<ul style="list-style-type: none"> <li>• Title IX Coordinator/Affirmative Action Officer</li> <li>• Dean</li> <li>• Provost</li> <li>• Vice President for Human Resources</li> <li>• University Counsel</li> </ul>	Title IX Coordinator/Affirmative Action Officer or Another Investigator From Trained Pool	Provost (with prior opportunity for comment/recommendation from the Faculty Review Committee)	President
Student	<ul style="list-style-type: none"> <li>• Title IX Coordinator/Affirmative Action Officer</li> <li>• Campus Dean for Students</li> <li>• Vice President for Human Resources</li> <li>• University Counsel</li> </ul>	Title IX Coordinator/Affirmative Action Officer or Another Investigator From Trained Pool	Campus Dean for Students for the campus other than where the incident occurred	Provost
Staff	<ul style="list-style-type: none"> <li>• Title IX Coordinator/Affirmative Action Officer</li> <li>• Employee's Supervisor</li> <li>• Employee's Manager</li> <li>• Vice President for Human Resources</li> <li>• University Counsel</li> </ul>	Title IX Coordinator/Affirmative Action Officer or Another Investigator From Trained Pool	Vice President for Human Resources	Chief Administrative Officer
Third Party	<ul style="list-style-type: none"> <li>• Title IX Coordinator/Affirmative Action Officer</li> <li>• Vice President for Human Resources</li> <li>• University Counsel</li> </ul>	Title IX Coordinator/Affirmative Action Officer or Another Investigator From Trained Pool	Chief Administrative Officer	Chief Financial Officer

**Complaint Procedure Diagram (Insert phone numbers and email addresses)**

<b>Respondent</b>	<b>Complaint Intake Person</b>	<b>Investigator</b>	<b>Decision Maker</b>	<b>Appeal Officer</b>
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President or Senior Executives who report to him/her	<ul style="list-style-type: none"> <li>• Title IX Coordinator/Affirmative Action Officer</li> <li>• Vice President for Human Resources</li> <li>• University Counsel</li> </ul>	Title IX Coordinator/Affirmative Action Officer or Another Investigator From Trained Pool	Executive Committee of Board of Trustees (with the recusal of the President and Chair of the Board of Trustees)	Chair of the Board of Trustees
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**OBJECTIONS TO THE INVESTIGATOR, DECISION MAKER OR APPEAL OFFICER**

The Complainant or Respondent may object to the participation of the particular Investigator, a member of the Faculty Review Committee (defined on page 11 of this Policy and Procedure), the Decision Maker or Appeal Officer based on a conflict of interest or other facts suggesting that that the Investigator, Faculty Review Committee member, Decision Maker, or Appeal Officer is unable to fulfill his or her responsibilities in an impartial manner. Such objection must be made in writing to the Title IX Coordinator/Affirmative Action Officer prior to any recommendation or decision being issued by the person and in no event, later than two calendar days after the Respondent or Complainant, if any, learn the identity of the person or persons who will be serving in these roles. In all cases except when the objection is to a member of the Faculty Review Committee, the Title IX Coordinator/Affirmative Action Officer will refer the objection to the Chief Administrative Officer, who will evaluate the objection and, in consultation with the Title IX Coordinator/Affirmative Action Officer and University Counsel, decide whether to uphold or deny the objection. If the objection is upheld, appropriate replacement or replacements will be selected by the Chief Administrative Officer in consultation with the Title IX Coordinator/Affirmative Action Officer and University Counsel.<sup>5</sup> If the objection is to a member of the Faculty Review Committee, the Title IX Coordinator/Affirmative Action Officer will refer the objection to the appropriate Location Faculty Grievance Committee.

The Location Faculty Grievance Committee, in consultation with the Title IX Coordinator/Affirmative Action Officer and University Counsel, shall determine whether to uphold or deny the objection, and if the objection is upheld, select an appropriate alternate Faculty Review Committee member. The Chief Administrative Officer and the Location Faculty Grievance Committee shall set forth the reasons for their objection determinations in writing, which they shall transmit to the Complainant, the Respondent and the Title IX Coordinator/Affirmative Action Officer.

**CONDUCT OF THE INVESTIGATION**

During the course of the investigation, the Complainant and the Respondent shall each be afforded an opportunity to present his/her version of the event(s) to the Investigator(s), provide the names of witnesses and any other evidence. Investigators shall determine who is present during the interviews. The Respondent will have no right to directly question any witnesses, including the Complainant, or to be present during such questioning. Attorneys or other representatives for a Complainant, Respondent or witness will not, as a general rule, be allowed to attend investigatory interviews. As part of their investigation, Investigators will also confer with the Title IX Coordinator/Affirmative Action Officer, the Vice President for Human Resources and University Counsel to determine whether the Respondent has been the subject of any previous complaints, reports or investigations and whether the Complainant has made previous complaints or reports of prohibited Discrimination, Harassment or Retaliation. The University will take immediate action as it deems necessary and appropriate, while investigating the complaint, to ensure there is no further Discrimination, Harassment or Retaliation. All members of the University Community are urged to cooperate with this Complaint Procedure and any investigation being conducted by the University into a complaint of prohibited Discrimination, Harassment or Retaliation. A failure to do so may impede the investigation and may result in unfortunate consequences such as adverse inferences being drawn, decisions being made based on the limited

<sup>5</sup> In the event that the Chief Administrative Officer has a conflict of interest, another appropriate University Administrator will determine the objection and select an appropriate replacement or replacements, in consultation with the Title IX Coordinator/Affirmative Action Officer and University Counsel.

information available and, for University employees who refuse to cooperate, possible discipline up to and including discharge being imposed.

## **CONFIDENTIALITY**

The University shall keep all complaints of prohibited Discrimination, Harassment and/or Retaliation, and the investigation into such complaints, confidential to the extent reasonably possible consistent with the law and the University's obligation to conduct an appropriate investigation. In the event the information concerning the allegations becomes public, the University may respond or comment in a manner that it deems appropriate.

## **INVESTIGATOR'S REPORT**

Following the completion of the investigation, the Investigator shall promptly prepare a written report of the investigation ("Investigation Report") that contains the following:

- a copy of any written complaint filed by the Complainant and if none was filed by the Complainant, then a written summary of the complaint or report prepared by the investigator;
- a copy of any document reviewed by the Investigator in connection with the investigation;
- to the extent known by the Investigator, the name(s) of the Complainant(s), the name(s) of the Respondent(s), the name of every person interviewed by the Investigator in connection with the investigation and the name of any persons presented by the parties as witnesses and a summary of any evidence provided;
- the name of each individual the Investigator attempted to interview but did not interview in connection with the investigation, the attempts that the Investigator made to interview such individual(s), and the reason(s) why such individual(s) was not interviewed;
- a summary of each interview conducted by the Investigator in connection with the investigation;
- a list of the relevant facts that the Investigator found during the investigation;
- a recommendation based on the evidence obtained by and available to the Investigator as to whether or not the complaint alleging a violation of the Policy and Procedure is substantiated or unsubstantiated using a preponderance of the evidence standard<sup>6</sup>;
- a description of any prior complaints made against the Respondent and/or by the Complainant, the resolution of any prior complaints, whether any information from the previous complaints was relied upon by the Investigator in making any findings of fact or recommendations in the report<sup>7</sup>;
- a recommendation as to what, if any, remedial measure(s) (e.g., Harassment training, etc.) should be taken in light of the complaint and/or factual determination; and
- a recommendation as to what, if any, disciplinary measure(s), including suspension or termination, should be taken against the Respondent.

Upon completion of the Investigation Report, the Investigator shall forward it (including the findings of fact and recommendations) to the appropriate Decision Maker listed in the Complaint Procedure Diagram, or his/her designee. The time needed to complete an investigation will vary based upon several factors, including the complexity, severity and extent of the allegations. It is expected most investigations will be

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<sup>6</sup> A preponderance of the evidence means to prove that something is more likely so than not so and does not require proof to an absolute certainty or beyond a reasonable doubt.

<sup>7</sup> Notwithstanding the existence of a prior complaint or complaints, a determination as to whether this Policy has been violated in a given situation will be based on the information obtained during the Investigation into that specific situation. However, if the Respondent is found to have engaged in such prohibited conduct in the current case, then previous determinations of Discrimination, Harassment and/or Retaliation may be considered by the Investigator, Faculty Review Committee, Decision Maker and Appeal Officer, with respect to the severity of remedial/disciplinary action in the current case.

completed within twenty-one calendar days and only rarely will the investigation exceed forty-five calendar days.<sup>8</sup>

If the Complainant or Respondent is a faculty member, then the Investigator, at least five calendar days prior to submitting the Investigation Report to the Decision Maker, shall submit the report to a Faculty Review Committee. The Faculty Review Committee will consist of three faculty members selected from and by the appropriate Location Faculty Council Grievance Committee. The Faculty Review Committee shall have five days to submit their written comments/recommendation, if any, regarding the Investigation Report to the Decision Maker before the Decision is made.

## **THE DECISION**

Within seven days of receiving the Investigation Report from the Investigator, the Decision Maker shall issue a written Decision (setting forth the basis therefor), which, in whole or in part: (i) accepts the recommendations contained in the Investigation Report; or (ii) rejects the recommendations in the Investigation Report. In making the Decision, the Decision Maker shall accept the Findings of Fact made by the Investigator if they are substantially supported by the evidence. If such Findings or Fact are not substantially supported by the evidence, the Decision Maker may reverse the Findings of Fact, modify them or remand the investigation to the Investigator or another Investigator for further action consistent with the Decision Maker's Decision. The Decision Maker shall promptly, no later than two calendar days, forward the Decision to the Investigator, the Respondent and Complainant, if any, and the Faculty Review Committee if the Complainant or Respondent is a faculty member. In addition, the Decision Maker shall forward the Decision to any University officials the Decision Maker believes should be made aware of the Decision.<sup>9</sup>

## **APPEALS**

Within five calendar days of the date of receipt of the Decision, the Complainant, if any, or the Respondent may file a written appeal to the appropriate Appeal Officer listed in the Complaint Procedure Diagram. The appeal must include a detailed statement setting forth the ground(s) upon which the appeal is based. The sole grounds upon which a Complainant may base an appeal are as follows:

- the finding that the violation was unsubstantiated was not based on a preponderance of the evidence.
- material evidence exists that was not available to the Investigator or the Decision Maker during the investigation or prior to issuance of the Decision;
- the Investigator or Decision Maker made a substantial procedural error that may have affected the investigation or Decision;
- the Investigator or Decision Maker had a conflict of interest that may have affected the investigation or Decision and was not known to the Complainant prior to the investigation or issuance of the decision; and/or
- any disciplinary measure to be taken against the Respondent is inadequate.

The sole grounds upon which a Respondent may base an appeal are as follows:

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<sup>8</sup> Circumstances may arise that require time periods to be extended for good cause. When such circumstances arise, the Complainant and Respondent will be informed.

<sup>9</sup> If the Alleged Wrongdoer is a faculty member, the Decision Maker shall not issue a decision until after the earlier of his or her receipt of the Faculty Review Committee's comments/recommendations or the expiration of the five calendar day Faculty Review Committee Investigation Report comment period. If the Decision Maker or Appeals Officer remands such investigation to the Investigator or another Investigator for further action, upon completion of the revised Investigation Report, the Investigator shall deliver the revised Investigation Report to the Faculty Review Committee, which shall have a new five calendar day period within which to provide their comments/recommendations with respect to such revised Investigation Report and forward it to the Decision Maker.

- the finding that the violation was substantiated was not based on a preponderance of the evidence.
- material evidence exists that was not available to the Investigator or Decision Maker during the investigation or prior to the issuance of the Decision;
- the Investigator or Decision Maker made a substantial procedural error that may have affected the investigation or the Decision;
- the Investigator or Decision Maker had a conflict of interest that may have affected the investigation or Decision and was not known to the Respondent prior to the investigation or issuance of the Decision;
- any disciplinary measure(s) to be taken against the Respondent is excessive.

Within five business days of receiving a timely appeal, the appropriate Appeal Officer shall request that the Investigator forward to the Appeal Officer: (i) the Investigation Report and investigative file; (ii) the Decision made by the Decision Maker; and (iii) the Investigator's written communications to the Complainant and Respondent informing each of the outcome of the investigation. Upon receiving such a request, the Investigator shall promptly forward these documents to the Appeal Officer. Upon receiving these documents, the Appeal Officer shall decide the appeal, with the burden on the appealing party to prove one or more of the limited grounds for appeal by a preponderance of the evidence. The Appeal Officer shall have discretion to stay implementation of the Decision while the appeal is pending. The Appeal Officer shall issue a written appeal decision within five days following receipt of the material from the Investigator and transmit the decision to the Investigator, the Decision Maker, the Complainant, if any, and the Respondent. The Appeal Officer may affirm the decision in whole or in part, modify the decision, reverse the decision, or send it back to the Investigator or Decision Maker for further investigation and/or consideration. In addition, the Appeal Officer shall forward the appeal decision to any University officials the Appeal Officer believes should be made aware of the appeal decision. Unless the Appeal Officer sends the decision back for further investigation, the Appeal Officer's decision is final. When a decision is sent back to the Investigator for further investigation, the Investigator shall issue a revised Investigative Report, and the Decision Maker will consider the new information and render a new decision. The parties will then have an opportunity to appeal that decision in accordance with the procedure set forth above.

## **MISCELLANEOUS PROVISIONS**

- All time periods may be extended by the University for good cause shown.
- In the event the allegations of Discrimination, Harassment or Retaliation are involved with other violations of University policies, the University reserves the right to select the process or processes to be used to determine all charges that arise out of the same incidents and/or allegations and whether any overlapping procedures are to be utilized sequentially, simultaneously or not at all. In the event a criminal investigation is also being conducted into events that are the subject of an investigation under this Policy and Procedure, it will not delay the University's investigation into the same matter. However, the University may decide to coordinate its investigation with evidence being gathered during the criminal investigation.
- The Title IX Coordinator/Affirmative Action Officer will also serve as the centralized record keeper of records concerning complaints and investigations and will ensure that Investigators and Decision Makers under this Policy and Procedure are made aware of prior complaints and investigations involving Respondents. Additional records concerning complaints and investigations may also be maintained by the Vice President for Human Resources and University Counsel.
- Students may utilize this Complaint procedure and/or they may complain directly to the Office of Civil Rights of the Department of Health and Human Services. Their website is [WWW.HHS.gov](http://WWW.HHS.gov).
- At any time after a complaint is made, the University, Complainant and Respondent may decide an attempt should be made to informally resolve the complaint through informal methods such as mediation.
- The President or his or her designee may take steps that he or she may deem necessary and appropriate, on an interim basis during the pendency of an investigation or appeal, to protect the





Has the incident(s) been reported before?  Yes  No  
If yes, when, to whom, and what was the resolution? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Complainant Signature \_\_\_\_\_ Date \_\_\_\_\_  
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Complaint Received By: \_\_\_\_\_  
Name/Signature, Title \_\_\_\_\_ Date \_\_\_\_\_

***EXAMPLE OF ACKNOWLEDGMENT OF RECEIPT OF***

**PACE UNIVERSITY'S POLICY AND PROCEDURE - DISCRIMINATION, NON SEX-BASED HARASSMENT AND RETALIATION**

By my signature below, I acknowledge that I have received a copy of Pace University's Policy and Procedure - Discrimination, Non Sex-Based Harassment and Retaliation. I agree to read this Policy and Procedure thoroughly, and if I do not understand any aspect of this Policy I will seek clarification from \_\_\_\_\_.

Print Name: \_\_\_\_\_  
Signature: \_\_\_\_\_  
Date: \_\_\_\_\_

**SEX-BASED MISCONDUCT POLICY AND PROCEDURE**

**STATEMENT OF POLICY AND GOALS**

Pace University is committed to providing a safe environment for every member of its community and to ensuring that no student, faculty or staff member is excluded from participation in or denied the benefits of any University program or activity on the basis of sex. Accordingly, the University prohibits the following forms of Sex-Based Misconduct: sexual assault, sexual harassment, gender-based harassment, dating violence, domestic violence, sexual exploitation and stalking. This Policy also applies to dating violence, domestic violence and stalking that is not sex-based (definitions of these terms can be found below.) All references in this Policy to "Sex-Based Misconduct" shall also be deemed to apply to non sex-based dating violence, domestic violence and stalking. Under certain circumstances an attempt to violate this Policy and Procedure may itself be considered a violation. The use of alcohol or other drugs will not be accepted as a defense to a violation of this Policy and Procedure.

The University prohibits retaliation against any individual for reporting an incident of Sex-Based Misconduct or for participating in any investigation or proceeding related to any such report.

Members of the University community who believe that they have been subjected to Sex-Based Misconduct are encouraged to report such incidents to the University and, where applicable, to local law enforcement. Pursuant to the procedures detailed below, upon receiving a report, the University will respond promptly and fairly. When appropriate, the University will take steps to prevent future incidents and to ameliorate the effects of past incidents.

Pace University is committed to the following goals:

- Establishing a culture of respect for others;
- Educating the University community regarding the meaning and importance of consent;
- Providing information to help members of the University community identify Sex-Based Misconduct;
- Providing clear and concise guidelines for students and other members of the University community to follow in the event that they or someone they know have (or think they have) been the victim of Sex-Based Misconduct;
- Providing educational programs to help students and other members of the University community prevent Sex-Based Misconduct, including bystander intervention training;
- Educating and training staff members, including counselors, security officers and Student Affairs and Residential Life staff to assist victims of Sex-Based Misconduct;
- Assisting victims of Sex-Based Misconduct in obtaining necessary medical care and counseling; and
- Ensuring that reports of Sex-Based Misconduct are addressed promptly and in accordance with the University's investigatory and disciplinary procedures and that such procedures are fair and impartial.

Nothing in this Policy and Procedure shall abridge academic freedom or the University's educational mission. Prohibitions against Sex-Based Misconduct and other forms of discrimination and harassment do not extend to statements or written materials that are reasonably germane to the classroom subject matter.

This Policy and Procedure does not constitute a contract and can be amended at any time in the University's sole discretion.

### **PROHIBITED SEX-BASED MISCONDUCT DEFINED**

**Sexual Harassment** is defined as unwelcome conduct of a sexual nature, including but not limited to sexual advances, requests for sexual favors or other physical, verbal or visual conduct of a sexual nature, including rape, sexual assault and sexual exploitation. In addition, depending on the facts, dating violence, domestic violence and stalking may also be forms of sexual harassment. This definition prohibits conduct which is intentional and also conduct which, regardless of intent, has the effect or impact of creating an intimidating, hostile or offensive working or learning environment on the basis of sex. It makes no difference in determining whether conduct violates this Policy, that the person accused of violating the Policy was "just joking," "teasing," or being "playful" or had an evil motive. The fact that a person does not object to the alleged harassing conduct or does not request that the harassing conduct stop, does not necessarily mean that he/she welcomes the conduct. Unwelcome conduct of a sexual nature constitutes sexual harassment when:

- submission to such conduct is made either explicitly or implicitly a term or condition of an individual's education, campus life activities or employment (quid pro quo harassment);
- submission to, or rejection of such conduct by an individual is used as the basis for employment, academic or other student life decisions affecting such individual (quid pro quo harassment); or

- such conduct has the purpose or effect of interfering unreasonably with an individual's academic performance or ability to participate in or benefit from the University's programs or activities, or creating an intimidating, hostile or offensive academic or work environment that is, or would be, offensive to a person of reasonable sensitivity and sensibilities (hostile environment sexual harassment).

Examples of sexual harassment that may cause a hostile environment include, but are not limited to:

- subtle or persistent pressure for sexual activity;
- unwelcome touching of a sexual nature or impeding or blocking movements;
- requesting or demanding sexual favors concerning employment, academic activities or other activities;
- unwelcome communications (verbal, written, electronic, etc.) of a sexual nature;
- failure to accept the termination of a consensual relationship with repeated and persistent requests and behavior;
- engaging in visual conduct such as leering or making sexual gestures;
- displaying sexually suggestive or degrading objects, pictures, cartoons, posters;
- distributing sexually suggestive, pornographic or obscene material;
- making derogatory comments on the basis of sex; sexual propositions; sexually explicit jokes or jokes concerning gender-specific traits or sexual preference;
- making sexually explicit comments about an individual's body or clothing; comments about an individual's sexual desirability; or using sexually degrading words to describe an individual; and
- engaging in verbal or written slurs, degrading or negative stereotyping.

To make a determination of whether sex-based harassment created a hostile environment, the University will consider the severity, persistence or pervasiveness of the sex-based harassment. The more severe the sex-based harassment, the less need there is to show a repetitive series of incidents to find a hostile environment. A single instance of sex-based harassment may be sufficient to create a hostile environment. Likewise, a series of incidents may be sufficient even if each instance of the Sex-Based Misconduct is not particularly severe.

**Gender Based Harassment** is verbal or physical conduct that belittles or shows hostility or aversion toward an individual because of his or her gender and that substantially interferes with an individual's educational, campus life or employment experience. Gender-based harassment includes verbal and/or physical aggression toward another based upon a perception that the other fails to conform to stereotypical notions of expected characteristics for males or females.

**Sexual Assault** encompasses two categories of misconduct—Nonconsensual Sexual Contact and Nonconsensual Sexual Intercourse.<sup>10</sup>

**Nonconsensual Sexual Contact** is any intentional touching, however slight, for purposes of sexual gratification or with sexual intent, of the private body parts (including genitalia, anus, groin, breast, inner thigh or buttocks) without Affirmative Consent. This may include non-penetrative acts,

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<sup>10</sup> Sex offenses under New York State law are defined in Article 130 of the NYS Penal Code. A summary of New York State Penal Code 130 sex offenses and the penalties for commission of sex offenses is which is available online at <http://codes.lp.findlaw.com/nycode/PEN/THREE/H/130>.

Further information about sex offenses and resources for victims is available at [http://www.svfreenyc.org/survivors\\_legal.html#A](http://www.svfreenyc.org/survivors_legal.html#A).

References to Penal Code sections are provided for information purposes only. The University enforces its Policy and not the Penal Code provisions.

touching directly or with an object and/or touching the private body parts of another over clothing. This may also include forcing or causing another without Affirmative Consent to touch one's own private body part.

**Nonconsensual Sexual Intercourse** is any sexual intercourse, however slight, with any object or body part by a person against another person that is without Affirmative Consent and/or by force.

Sexual assaults of this type can be sub-defined by the following:

Rape: The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration, by a sex organ of another person, forcibly or without consent or where the victim is incapable of consent due to mental or physical incapacity.

Statutory Rape: Non-forcible sexual intercourse with a person who is under the statutory age of consent. In New York, the statutory age of consent is 17 years old.

Examples of nonconsensual sexual intercourse include, but are not limited to:

- vaginal penetration by a penis, object, tongue or finger;
- anal penetration by a penis, object, tongue or finger;
- oral copulation (mouth to genital contact or genital to mouth contact).

**Sexual Exploitation** occurs when, without Affirmative Consent, an individual takes sexual advantage of another. Examples of sexual exploitation include, but are not limited to:

- invasion of sexual privacy and voyeurism (e.g., observing or recording others engaged in sexual activity, whether in-person or through audio or video recording or streaming, without the consent of all involved);
- taking intimate pictures of another, but then distributing the pictures to others without the photographed person's consent;
- engaging in sexual activity with another while knowingly infected with a sexually transmitted disease without informing the other person of such infection;
- exposing of a person's genitals in non-consensual circumstances; • prostituting or soliciting another community member; and
- incest.

**Domestic Violence** refers to physical violence, threats of violence or acts of physical intimidation or coercion, isolation, stalking or other forms of verbal, emotional, sexual or economic abuse directed towards (i) a current or former spouse or intimate partner; (ii) a person with whom one shares a child; or (iii) anyone who is protected from the Respondent's acts under the domestic or family violence laws of New York. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure or wound someone. Domestic violence can be a single act or a pattern of behavior in relationships.<sup>11</sup>

**Dating Violence** refers to physical violence, threats of violence or acts of physical intimidation or coercion committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship would be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition, dating violence would include, but would not be limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts that meet the definition of "domestic violence."

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<sup>11</sup> Information about New York State Domestic Violence related laws is available online at <http://statelaws.findlaw.com/new-york-law/new-york-domestic-violence-laws.html>.

**Stalking** is a course of conduct directed at a specific person that would cause a reasonable person to feel fear for her, his or others' safety, or to suffer substantial emotional distress.<sup>12</sup> Examples of stalking include but are not limited to:

- constantly appearing at places the victim is known to frequent;
- persistent unwanted communication or contact whether in person, by telephone, text or email;
- persistent unwanted gifts; and
- following or surveillance.

**Retaliation** occurs when an adverse action is taken against an individual because the individual engaged in an activity protected by law or this Policy, including intimidating, threatening, coercing an individual who reported or complained of Sex-Based Misconduct or participated in a school or government investigation or other proceedings related to allegations of Sex-Based Misconduct.

**Intimidation** means to unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

**Affirmative Consent** is a knowing, voluntary and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of consent does not vary based upon a participant's sex, sexual orientation, gender, gender identity or gender expression.

Each person involved in the sexual activity is responsible to ensure that they have the Affirmative Consent of the other or others to engage in the sexual activity. A person who has been drinking alcohol or using drugs is still responsible for ensuring that he/she has the other person's Affirmative Consent to engage in any sexual activity. Affirmative Consent must be ongoing throughout a sexual activity and can be withdrawn at any time, and, if it is, the sexual activity must stop. Consenting to a specific sexual activity does not constitute consent to any other sexual act. Consent is not assumed based on previous consensual encounters or implied by a relationship. Consent to a sexual encounter with one person does not constitute consent to such an encounter with another.

Consent does not exist when there is the presence of threat, coercion, force or intimidation. Lack of protest or resistance does not mean consent. Consent cannot be given when a person is incapacitated. Incapacitation occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs or other intoxicants may be incapacitated and therefore unable to consent.

**Incapacitation** is a state where someone lacks the ability to knowingly choose to participate in sexual activity. A person may be incapacitated due to mental disability, sleep, unconsciousness, physical restraint or from the consumption (voluntary or otherwise) of drugs or alcohol. In New York a person under age 17 is also incapable of giving consent. Evidence of incapacity may be detected by physical cues, such as slurred speech, bloodshot eyes, the odor of alcohol on a person's breath, inability to maintain balance, vomiting, unusual or irrational behavior and unconsciousness. The presence of one or more of these cues does not necessarily indicate incapacity, nor does the absence of these cues necessarily indicate capacity.

**Force** is the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation and coercion to overcome resistance.

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<sup>12</sup> In addition to being a violation of this Policy and Procedure, stalking is a violation of NYS law. Stalking offenses under New York State law are defined in NYS Penal Code Sections 120.45–120.60, which are available online at <http://codes.lp.findlaw.com/nycode/PEN/THREE/H/120>.

**Coercion** is unreasonable pressure. The use of emotional manipulation to persuade someone to do something they may not want to do, such as being sexual or performing certain sexual acts, constitutes coercion. Coercing someone into having sex or performing sexual acts does not constitute obtaining consent and is considered Sex-Based Misconduct.

### **JURISDICTION AND SCOPE-When and to whom do this Policy and Procedure apply?**

This Policy and Procedure applies to acts of Sex-Based Misconduct and violence that occur on University owned or controlled premises or at University-sponsored off-campus programs or events. This Policy and Procedure applies to all students, faculty and staff, as well as to visitors, guests, vendors, contractors and other third parties. However, the University's academic and employment environment extends throughout the United States and abroad, wherever the University's students and employees and those of third parties associated with the University participate in or support University activities and programs. Conduct and behavior at off-campus activities and programs (e.g., off-campus classes, lectures, athletic events, development activities, alumni events, study abroad, etc.) are regulated by this Policy. The University may take action pursuant to this policy with respect to any behavior regardless of where and in what context it occurs if the conduct had an impact or effect on or poses a risk to the work or learning environment of persons covered by this Policy. Therefore, this Policy may be violated even if the prohibited conduct occurs off-campus or during an employee's or student's or third party's off duty time.

The Complaint Procedure below applies if the alleged victim (the "Complainant") or the Respondent is a Pace University undergraduate, graduate or professional school student, faculty member, staff member, administrator or third party.

This Policy and Procedure applies regardless of the Complainant's or the Respondent's sexual orientation, sex, gender identity or expression, age, race, color, creed, familial status, pregnancy, predisposing genetic characteristics, military status, domestic violence victim status, criminal conviction, national origin, religion, disability or other status protected by law. Reasonable accommodations will be provided to individuals with disabilities when necessary to allow them to fully utilize this Policy and Procedure (e.g. to make a report, file a complaint, participate in investigatory interviews and exercise other procedural rights).

### **ADMINISTRATION AND ENFORCEMENT-Who administers this Policy and Procedure?**

The Title IX Coordinator/Affirmative Action Officer is responsible for ensuring the University's compliance with Title IX of the Education Amendments of 1972 and for administering this Policy and Procedure. The Title IX Coordinator/Affirmative Action Officer is Arletha (Lisa) Miles. She can be reached at (212) 346-1310 or (914) 923-2610 or at amiles@pace.edu.

The Title IX Coordinator/Affirmative Action Officer is available to answer any questions that members of the University community may have about this Policy and Procedure and to assist them in gaining access to available resources.

### **MEDICAL ATTENTION AND EVIDENCE PRESERVATION**

Victims of sexual assault or other acts of violence are encouraged to seek prompt medical attention. Medical attention is available through University Health Care or at local hospital emergency rooms (listed below). To gain assistance in getting to an emergency room, a victim can call 911 or notify Security. Medical staff will collect evidence, check for injuries, address pregnancy concerns and the possibility of exposure to sexually transmitted infections.

Communications with medical staff are confidential. Medical staff will not report the incident to the University.

Seeking medical attention will in no way obligate a victim to file a complaint or press criminal charges. Conversely, electing not to seek medical attention or to contact police will not impact the University's investigation process.

### **New York City Campus**

#### *University Health Care*

41 Park Row, Rm. 313  
(212) 346-1600  
M-F, 9:00 a.m.–5:00 p.m.

### **Hospitals**

#### *Mount Sinai Medical Center Sexual Assault and Violence Intervention Program (SAVI)*

One Gustave Levy Place  
New York, NY  
10029  
(212) 423-2140  
[www.mssm.edu/SAVI](http://www.mssm.edu/SAVI)

#### *New York-Presbyterian/Lower Manhattan Hospital*

170 William Street  
New York, NY  
10038  
(212) 312-5000  
[www.nyp.org/lowermanhattan](http://www.nyp.org/lowermanhattan)  
\*Available 24/7

#### *New York Presbyterian Hospital/Columbia Campus*

622 W. 168th Street  
New York, NY 10032  
(212) 305-2500

#### *Domestic and Other Violent Emergencies Program*

622 W. 168th Street, HP2  
New York, NY 10032  
(212) 305-9060

#### *New York Presbyterian Hospital/Weill Cornell Medical Center*

525 E. 68th Street  
New York, NY 10065  
(212) 746-5454

#### *Bellevue Hospital Center*

462 First Avenue  
New York, New York 10016  
General Information Number: (212) 562-4141  
Emergency Room (Adult): (212) 562-4347  
*Rape Crisis Program*  
First Avenue and 27th Street. C&D Building, 4th Floor, Rm 408  
New York, NY 10016  
(212) 562-3755

#### *Beth Israel Medical Center, Petrie Division*

16th Street and First Avenue



New York, NY 10003  
General Number: (212) 420-2000  
Emergency Services: (212) 420-2840  
*Rape Crisis and Domestic Violence Intervention Program*  
Department of Social Work  
317 E. 17th Street  
New York, NY 10003  
(212) 420-4516

*Harlem Hospital Center*  
506 Lenox Avenue  
New York, New York 10037  
(212) 939-1000  
*Center for Victim Support*  
Harlem Hospital Center, Rm. 6111 MLK  
506 Lenox Avenue  
Phone: (212) 939-4621  
Hotline: (212) 939-4613

*St. Luke's-Roosevelt Hospital*  
Roosevelt Hospital  
1000 Tenth Avenue at 58th Street  
(212) 523-4000

*St. Luke's Hospital*  
1111 Amsterdam Avenue at 114th Street  
(212) 523-4000  
*Crime Victims Treatment Center*  
411 W. 114th Street, Suite 2C  
(212) 523-4728

### **Westchester Campus (Serving Pleasantville and White Plains)**

*University Health Care*  
Fitness Center, Rm. 125  
(914) 773-3760  
M-F, 9:00 a.m.-5:00 p.m.

### **Hospitals**

*Westchester Medical Center*  
100 Woods Road  
Valhalla, NY 10595  
(914) 493-7000

*Phelps Memorial Hospital Center*  
701 N. Broadway  
Sleepy Hollow, NY 10591  
(914) 366-3000

*Hudson Valley Hospital Center*  
1980 Crompond Road  
Cortlandt Manor, NY 10567  
(914) 737-9000

*Lawrence Hospital Center*  
55 Palmer Avenue  
Bronxville, NY 10708  
(914) 787-1000

*Mount Vernon Hospital*  
12 N. 7th Avenue  
Mount Vernon, NY 10550  
(914) 664-8000

*Northern Westchester Hospital*  
400 E. Main Street  
Mount Kisco, NY 10549  
(914) 666-1200

*St. John's Riverside Hospital*  
967 N. Broadway  
Yonkers, NY 10701  
(914) 964-7990

*Sound Shore Medical Center*  
16 Guion Place  
New Rochelle, NY 10801  
(914) 632-5001

*White Plains Hospital Center*  
41 E. Post Road  
White Plains, NY 10601  
(914) 681-0600

Victims are advised that the best way to preserve evidence of sexual assault is to avoid bathing or washing yourself before being examined. You should not take a shower, wash hands or face, comb your hair or douche. Normal everyday behavior, such as going to the bathroom, can destroy or remove evidence of sexual assault; you should try to avoid doing so if possible. Similarly, you should try not to smoke or drink anything. Altering your appearance can hide bruising or lacerations that can be cited as evidence when pressing charges. It is best not to apply make-up or any other substance that can change your appearance.

Evidence of the assault can be found in the fibers of your clothes, strands of your hair or on other parts of your body, so it is important to try your best to preserve as much evidence as possible. Clothing, towels, sheets and other items should not be washed or moved, if possible. The clothing worn at the time of the assault should be brought to the hospital in a sanitary container, such as a paper bag or a clean sheet. If the clothing worn at the time of the assault is still being worn, it is advisable to bring a change of clothes to the hospital, if possible.

Campus Security can assist you in securing the scene to preserve evidence as well.

It is important to note that failure to take the steps described above **does not** preclude you from reporting an incident to the University or to the police.

**REPORTING AN INCIDENT OF SEX-BASED MISCONDUCT OR NON SEX-BASED DATING VIOLENCE, DOMESTIC VIOLENCE OR STALKING**

**This Policy and Procedure is intended to make all members of the University community aware of the various reporting and confidential and non-confidential resources available.**

## What is the difference between a confidential and non-confidential resource?

- A confidential resource does not reveal the information shared with him/her without the disclosing person's consent. (There may be instances where a confidential resource must disclose information in a criminal or civil court proceeding, but those are very limited circumstances.) A list of confidential resources is provided below in this policy, but usually confidential resources are counselors and healthcare providers. The only University employees who can offer confidentiality are those listed as confidential resources below.
- A non-confidential resource is a person who must report information to others with a need to know. A University employee who is a non-confidential resource will disclose to as few individuals as possible, but a non-confidential resource does not have the ability to promise that he/she will not tell others within the University about the information that has been shared with him/her. At a minimum, a non-confidential resource will share all information with the Title IX Coordinator/Affirmative Action Officer.

Any University community member who has been the victim of a violation of this policy has the right to make a report to Campus Security or one of the University's Responsible Employees mentioned below, local law enforcement and/or the New York State Police or to choose not to report. If reported to the University under this policy, a reporting individual will be protected from retaliation and will receive appropriate assistance and resources from the University. A Students' Bill of Rights and an additional Statement of Rights for Cases Involving Sexual Assault, Domestic/Dating Violence and Stalking is found at the end of this policy.

### A. Non-Confidential Reporting Resources.

- If you are in immediate danger, you should dial 911 or call Security at:

#### **New York City**

One Pace Plaza, B-Level  
(212) 346-1800

Pleasantville  
Gannet Annex Building  
(914) 773-3700

White Plains  
Pace Law School  
Preston Hall  
(914) 422-4111

Office of Student Services  
Aloysia Hall  
(914) 422-4136

- Reporting to Law Enforcement. Acts of violence, including sexual assault and stalking, are against the law. If you would like to report an incident to the police, you can do so by calling 911 or the following local police authorities:

#### **New York City**

##### **Downtown (One Pace Plaza)**

New York City Police Department  
1 Police Plaza

New York, New York 10038  
(646) 610-5000

**Midtown**

New York City Police Department  
Mid-Town North Precinct  
306 W. 54th Street  
New York, New York 10019  
(212) 767-8447 (Community Affairs Unit)

**Pleasantville**

Mt. Pleasant Police Department  
(914) 769-1941  
www.mppdny.com (click on Sex Offender Registry)

**White Plains**

White Plains Police Department  
77 South Lexington Avenue  
White Plains, New York 10601  
(914) 422-6224 (Special Victims Unit)

The New York State Police Hotline, which can be reached at (844) 845-7269, may also be of assistance in reporting an incidence to law enforcement.

If you would like someone to assist you in contacting the police or go with you to the police department, any of the Security offices listed above can assist you.

Victims may report an incident to law enforcement regardless of whether they choose to report the incident to the University. Conversely, reporting an incident to the University does not require the Complainant to report the incident to law enforcement. The University reserves the right to report any crime to law enforcement, but, as a general rule, the University will not alert law enforcement to an incident of Sex-Based Misconduct without the Complainant's permission, except where there is a serious and immediate threat to the University community or as otherwise required by law.

Any internal University investigation and/or hearing process will be conducted concurrently with any criminal justice investigation and proceeding that may be pending. Temporary delays in the University's internal process may be requested by local law enforcement authorities for the purpose of gathering evidence. Any requested temporary delay shall not last more than ten (10) days, except when local law enforcement authorities specifically request and justify a longer delay. The University will cooperate with any criminal proceedings as permitted by law.

Pace University has adopted a Security and Police Coordination Plan for Investigation of Criminal Offenses (Including Violent Felony Offenses) and Missing Students Report, which provides for the investigation of any violent felony offense occurring at a University owned or leased facility or at a University-sponsored off campus program or event.<sup>13</sup> University Security officers and the local police can help ensure your safety at the scene as well as accompany you to the hospital for medical attention or arrange for ambulance service.

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<sup>13</sup> The Pace University Security and Police Coordination Plan for Investigation of Criminal Offenses (Including Violent Felony Offenses) and Missing Students Reports is available online at <https://www.pace.edu/general-services/safety-security/policy-and-procedures>.

Reporting individuals should understand that not all Sex-Based Misconduct under this policy is a crime and that the standard law enforcement employs in processing complaints is different than the University's standard under this policy. Questions about whether incidents violate criminal laws and how the criminal process works should be directed to law enforcement officials or the local District Attorney.

- Reporting to the University—Non-Confidential “Responsible Employees”. The University encourages all members of the University community who are victims of Sex-Based Misconduct or believe that they may have been victims to report incidents to the University’s Safety and Security Department and/or the Title IX Coordinator/Affirmative Action Officer, who is responsible for investigating violations of this Policy and Procedure. (The complete complaint and investigation procedure is described in detail below.) Employees who have been subjected to Sexbased Misconduct may report to the Vice President of Human Resources as well. The University recognizes that some individuals may feel more comfortable speaking to another member of the University community with whom they already have a personal relationship, such as the Campus Dean for Students, a Residence Assistant (RA), Residence Director (RD), a faculty member or other University supervisory personnel. University Security and these other non-confidential resources are deemed “Responsible Employees” and they have an obligation to report any incident of Sexbased Misconduct of which they become aware to the Title IX Coordinator/Affirmative Action Officer.

A report to a Responsible Employee constitutes a report to the University and will generally obligate the Title IX Coordinator/Affirmative Action Officer or her designee to investigate the incident and take appropriate steps to address the situation.

A Responsible Employee cannot guarantee that the University will be able to honor a victim’s request for confidentiality. Responsible Employees, including Non-confidential Resources, will make their best effort to maintain the student’s privacy and will only disclose what the student shares to the Title IX Coordinator/Affirmative Action Officer and as necessary to protect the safety of the victim and the University community.

Contact information for the University’s non-confidential Responsible Employees is as follows:

### **New York City**

*University Safety and Security*  
One Pace Plaza, B-Level  
(212) 346-1800

*Office of the AVP/Dean for Students, Student Affairs*  
41 Park Row, 9th Floor, Rm. 907  
(212) 346-1306

*Title IX Coordinator/Affirmative Action Office*  
163 William Street, 10th Floor  
(212) 346-1310

*Housing and Residential Life*  
106 Fulton Street, 2nd Floor  
(212) 346-1295  
24/7 On-call staff

## **Westchester (Serving Pleasantville)**

*University Safety and Security*  
Gannet Annex Building  
(914) 773-3700

*Office of the AVP/Dean for Students, Student Affairs*  
Kessel Student Center, Rm. 207  
(914) 773-3351

*Title IX Coordinator/Affirmative Action Officer*  
(914) 923-2610

*Multicultural Affairs/Diversity Programs*  
(914) 773-3628

## **White Plains**

Pace Law School  
*Safety and Security*  
Preston Hall  
(914) 422-4111

*Office of Student Services*  
Aloysia Hall  
(914) 422-4136

*Housing and Residential Life*  
Dannat Hall  
(914) 422-4107  
24/7 On-call staff

## **All Campuses**

*Human Resources*  
100 Summit Lake Drive, 3rd Floor  
(914) 923-2730

- Other Supervisory Personnel and Faculty. Contact information for other University supervisory personnel and faculty members, all of whom are deemed Responsible Parties, are listed in the University White Pages, available online at <https://whitepages.pace.edu/>.

### **B. Confidential Resources and Support—Who Can I Talk to Confidentially?**

The University encourages any person who has experienced sexual assault or other forms of Sex-Based Misconduct to talk to someone about what happened, so she or he can get the support needed. There are a variety of confidential resources available to members of the University community. Some of these resources maintain near complete confidentiality; talking to them is sometimes called a “privileged communication.”

## **Confidential Resources**

The following Confidential Resources are available to members of the University Community on and off campus in each of our locations. The University's on-campus health, counseling and pastoral services noted below are available to students free of charge.

### **New York City**

#### **On Campus**

*Counseling Center*  
156 William Street, 8th Floor  
(212) 346-1526  
24/7 On-call staff

*University Health Care*  
41 Park Row, Rm. 313  
(212) 346-1600  
M-F, 9:00 a.m.–5:00 p.m.

#### **Off Campus**

*Beth Israel Medical Center Rape Crisis Intervention Program*  
317 E. 17th Street, 4th Floor  
(212) 420-4516 [www.bethisraelny.org](http://www.bethisraelny.org)

### **Westchester (Serving Pleasantville and White Plains) On Campus**

*Counseling Center*  
Administrative Center  
(914) 773-3710  
24/7 On-call staff

*University Health Care*  
Fitness Center, Rm. 125  
(914) 773-3760  
M-F, 9:00 a.m.–5:00 p.m.

*Center for Spiritual Development*  
(914) 773-3598  
E-mail: [chaplain@pace.edu](mailto:chaplain@pace.edu)

*Pace Women's Justice Center*  
78 N. Broadway, Pace Law School  
Helpline: (914) 287-0739

#### **Off Campus**

*Victim's Assistance*  
Westchester Community Opportunity Program, Inc.  
(855) 827-2255 or  
[www.westcop.org/victims-assistance](http://www.westcop.org/victims-assistance)

All services are free and confidential. Victim's Assistance Services collaborates closely with sister agencies throughout the county, including Hope's Door Domestic Violence Shelter ([www.hopesdoorny.org](http://www.hopesdoorny.org)), Pace's Women's Justice Center ([www.law.pace.edu/wjc](http://www.law.pace.edu/wjc)) and The Loft ([www.loftgaycenter.org](http://www.loftgaycenter.org)).

## **Online and Hotline Resources New York City**

### *Safe Horizons*

www.safehorizon.org

### *Safe Horizon Rape and Sexual Assault and Incest Hotline*

(212) 227-3000 (available 24 hours a day)

### *Safe Horizon Alternatives to Violence Program*

(718) 834-7471

### *NYC Alliance Against Sexual Assault*

32 Broadway, Suite 1101

New York, NY 10004

Phone: (212) 229-0345 (English)

Fax: (212) 229-0676 fax

E-mail: contact-

us@svfreenyc.org

<http://www.svfreenyc.org/about.html>

### *New York City Police Department Sex Crimes Report Line*

(212) 267-7273 (available 24 hours a day)

## **Westchester**

### *Mental Health Association of Westchester Rape Hotline*

(914) 345-9111 (available 24 hours a day)

### *Victims Assistance Services*

### *Westchester Community Opportunities Program*

2269 Saw Mill River Rd, Bldg. #3

Elmsford, NY 10523

(914) 345-3113

Hotline: 1 (800) 726-4041

## **New York State**

### *New York State Coalition Against Sexual Assault*

1 (800) 942-6906 [www.nyscasa.org](http://www.nyscasa.org)

### *RAINN—Rape Abuse and Incest National Network*

1 (800) 656-HOPE (4673) [www.rainn.org](http://www.rainn.org)

### *New York State Office of Victim Services [www.ovs.ny.gov](http://www.ovs.ny.gov)*

### *New York State Office for the Prevention of Domestic Violence*

80 Wolf Road

Albany, NY 12205

NYS Hotline: English: (800) 942-6906 | Spanish: (800) 942-6908

Phone: (518) 457-

5800 Fax: (518)

457-5810

<http://www.opdv.ny.gov/>



## **National**

*National Domestic Violence Hotline*

(800) 799-SAFE

For the hearing impaired: 1 (800) 787-3224

## **Miscellaneous University Resources and Information**

Pace University Employee Assistance Program (for employees and faculty only) (24 hours)

1 (866) 248-4096

[www.liveandworkwell.com](http://www.liveandworkwell.com)

Access

Code:

61530

Sources for List of Individuals Registered as Sex Offenders:

In accordance with the Campus Sex Crimes Prevention Act, law enforcement agencies must maintain a list of individuals that have registered as sex offenders with a state requiring registration, including employees, students or persons carrying on a vocation with an educational institution within the jurisdiction of the local law enforcement agency. A list of the local law enforcement agencies having jurisdiction over each Pace site where a list of registered sex offenders is maintained is available online at <http://www.pace.edu/general-services/safetysecurity/security-guide/campus-sex-crime-prevention-act>. Information may also be found at the New York State Offender Registry Information Line at 1 (800) 262-3257; <http://criminaljustice.state.ny.us/nsor/index.htm>.

### **How Will the University Respond if I Request Confidentiality after Reporting to a Responsible Employee?**

If a victim discloses an incident to a Responsible Employee but wishes to maintain confidentiality or requests that no investigation into a particular incident be conducted or disciplinary action taken, the University must weigh that request against the University's obligation to provide a safe, non-discriminatory environment for all members of the University community, including the victim.

If the University honors the request for confidentiality, a victim must understand that the University's ability to meaningfully investigate the incident and pursue disciplinary action against the alleged perpetrator(s) may be limited. In some rare instances, it may be possible for the University to maintain the Reporter's confidentiality and still take responsive action, including disciplinary action if appropriate. For example, if any one of a number of individuals experienced or witnessed the conduct, it may be possible for the University to proceed without revealing the name of the person who made the report.

The Title IX Coordinator/Affirmative Action Officer will evaluate requests for confidentiality. When weighing a victim's request for confidentiality or that no investigation or discipline be pursued, the Title IX Coordinator/Affirmative Action Officer will consider a range of factors, including the following:

- the risk that the alleged perpetrator will commit additional acts of Sex-Based Misconduct or other violence, which may be assessed by evaluating:
  - whether there have been other complaints about the same alleged perpetrator; o whether the alleged perpetrator has a history of arrests or records from a prior school indicating a history of violence;
  - whether the alleged perpetrator threatened further sexual violence or other violence against the victim or others;
  - whether the sexual violence was committed by multiple perpetrators whether the sexual violence was perpetrated with a weapon;

- whether the victim is a minor;
- whether the University possesses other means to obtain relevant evidence of the prohibited conduct (e.g., security cameras or personnel, physical evidence);
- whether the victim's report reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group.

If the University determines that it cannot maintain a victim's confidentiality, the Title IX Coordinator/Affirmative Action Officer will inform the victim prior to starting an investigation and will, to the extent possible, only share information with people responsible for handling the University's response and as necessary to conduct a thorough investigation.

### **AMNESTY FOR INDIVIDUALS WHO REPORT SEX-BASED MISCONDUCT**

The health and safety of every student at Pace is of utmost importance. The University realizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that violence, including but not limited to domestic violence, dating violence, stalking, or sexual assault occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. Pace strongly encourages students to report domestic violence, dating violence, stalking, or sexual assault to University officials. A student bystander or student incident participant acting in good faith, who reports or discloses any incident of domestic violence, dating violence, stalking, or sexual assault to Pace University officials or law enforcement will not be subject to the University's code of conduct action for violations of alcohol and/or drug use policies occurring at or near the time of the commission of the domestic violence, dating violence, stalking, or sexual assault, in accordance with the University's Drug and Alcohol Amnesty Policy ([www.pace.edu/amnestypolicy](http://www.pace.edu/amnestypolicy)).

### **UNIVERSITY DUTY TO REPORT CRIME STATISTICS**

The University has a duty to report data about various forms of Sex-Based Misconduct in accordance with *The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Act* (Clery Act). No personally identifiable information is disclosed, but statistical information is disclosed as part of the University's Annual Security Report. The information to be shared includes the date, location type (residence hall, public property, off-campus, etc.) and specific crime category.

The University may also be required to issue a timely warning to the University community when it receives a report of certain crimes that pose a serious or continuing threat. Such warning will not include any personally identifying information about the victim.

### **PROTECTIVE AND REMEDIAL MEASURES**

After reviewing the complaint, the Title IX Coordinator/Affirmative Action Officer in consultation with the relevant Deans for Students and Academic Deans may take interim protective measures to protect the safety and well-being of the individuals involved and the University community. The University will remain ever mindful of the victim's well-being, and will take ongoing steps to protect the victim from retaliation or harm and work with the victim to create a safety plan. These actions may be instituted at any point during the complaint and investigation process, including at the determination stage, or even if the victim does not wish to pursue the complaint and investigation process.

If the University determines that it can respect a victim's request for confidentiality, the University will still take action as necessary to protect and assist the victim. The request for confidentiality may, however, limit the type of protective measures that can be taken.

Information regarding the protective measures taken will be treated as confidentially as possible and will only be shared with those necessary to effectuate the protective measures.

Protective measures include:

- Directing the Complainant and Respondent not to have contact with one another;
- Moving a student's residence;
- Adjusting a work schedule, location or reporting line for University employment;
- Changing a student's academic schedule;
- Allowing a student to withdraw from a class without penalty;
- Providing access to tutoring or other academic support;
- Changing transportation arrangements;
- Restricting the Respondent's access to campus or to certain campus buildings; and
- Providing the Complainant with an escort when needed to ensure that she or he feels safe.

Depending upon the circumstances, some or all of the protective measures may be lifted once the process is complete and a decision is rendered or they may be continued to assist the Complainant after a determination has been made, even if it is determined that some or all of the allegations have not been substantiated.

Failure to comply with a directive relating to a protective measure may lead to further disciplinary action.

Upon request, the Complainant or accused may request a prompt review of the need for and terms of any protective measures and accommodations imposed or requested that directly affects him/her, including the potential addition, modification or elimination of those measures. Such a request may be made by submitting a written request for review to the Title IX Coordinator/Affirmative Action Officer, providing the basis for that request and any evidence in support of the request. Upon receipt of such a request, the Title IX Coordinator/Affirmative Action Officer will inform the other party of the request and allow the other party to respond, including submitting evidence if desired. The Title IX Coordinator/Affirmative Action Officer may, in his/her discretion, modify or suspend the protective measures or accommodations on a temporary basis while the parties are submitting their information and responses. The Title IX Coordinator/Affirmative Action Officer will respond to any such requests as soon as possible, but generally no later than one calendar week of the request and the parties' submission of any evidence.

Because the University is under a continuing obligation to address the issue of Sex-Based Misconduct campus-wide, reports of Sex-Based Misconduct (including non-identifying reports) will also prompt the University to consider broader remedial action—such as increased monitoring, supervision or security at locations where the reported Sex-Based Misconduct occurred; increasing education and prevention efforts, including to targeted population groups; conducting climate assessments/victimization surveys; and/or revisiting its policies and practices.

In addition to the measures that the University may take, law enforcement may be able to provide additional protections, such as an order of protection. Orders of protection and other forms of legal protection may be available to individuals who have experienced or are threatened with violence by a Pace University community member or other person. In appropriate circumstances, an order of protection may be available that restricts the accused's right to enter or remain on University property, and the University will abide by a lawfully issued order of protection. University officials will, upon request, provide reasonable assistance to any member of the campus community in obtaining an order of protection or, if outside of New York State, an equivalent protective or restraining order, including providing that person with:

- a copy of an order of protection or equivalent when received by the University and providing that person with an opportunity to meet or speak with a University representative, or other appropriate individual, who can explain the order and answer questions about it,

including information from the order about the other person's responsibility to stay away from the protected person or persons;

- an explanation of the consequences for violating these orders, including but not limited to arrest, additional conduct charges and interim suspension; and
- assistance in contacting local law enforcement to effect an arrest for violating such an order of protection.

The University can assist members of the University community in contacting law enforcement and legal services organizations to learn about additional remedies that may be available.

### **SANCTIONS FOR VIOLATING THIS POLICY**

Those found to have violated this Policy and Procedure will be subject to disciplinary action. The University may impose any of the following sanctions:

- Warning
- Probation
- No contact order
- Community service
- Restriction of access to University facilities
- Loss of privileges and access to University activities (including participation in athletics and other student organizations)
- Changing of academic schedule
- Transfer of housing
- Removal from student housing
- Suspension from school (for one or more semesters)
- Expulsion
- Revocation of honors or awards
- Revocation of degree
- Suspension from University employment
- Termination of University employment

In determining the appropriate sanction, the Decision Maker will consider a variety of factors including: the specific misconduct at issue, the circumstances surrounding the lack of consent (e.g. whether force, threat, coercion or intentional incapacitation were involved), the Respondent's state of mind (e.g. knowing, reckless, intentional, etc.), the impact of the misconduct on the Complainant, the Respondent's prior disciplinary history, the risk that the Respondent will engage in Sex-Based Misconduct again and the Respondent's conduct during the pendency of the investigation.

For those crimes of violence that Pace University is required by federal law to include in its Annual Security Report, the transcripts of students found responsible after a hearing and appeal, if any, shall include the following notation:

- Suspended after a finding of responsibility for a code of conduct violation;
- Expelled after a finding of responsibility for a code of conduct violation; or
- Withdrew with conduct charges pending.

Transcript notations for suspensions may be removed at the discretion of the University, but no earlier than one (1) year after the conclusion of the suspension. Transcript notations for expulsion shall not be removed.

## **COMPLAINT PROCEDURE**

This Complaint Procedure provides for (i) a prompt, appropriate and impartial investigation of any complaint of Sex-Based Misconduct or retaliation; (ii) appropriate disciplinary action against an individual found to have engaged in prohibited conduct<sup>14</sup>; and (iii) appropriate remedies for a victim of Sex-Based Misconduct or retaliation.

Upon receipt of a complaint of Sex-Based Misconduct or retaliation or notification of an incident, the Title IX Coordinator/Affirmative Action Officer will meet with the alleged victim to explain the complaint and investigation procedures and will advise him or her of the availability of counseling, medical and other support services, including available interim protective measures.

### ***THE COMPLAINT***

Complaints of Sex-Based Misconduct may be made verbally or in writing to the Title IX Coordinator/Affirmative Action Officer but Complainants, or other persons reporting such conduct, are encouraged to file a written complaint. Complainants may, but are not required to, use the Complaint Form annexed hereto as "Appendix A." Complaints or reports should be as detailed as possible and should include: the name(s) of the individual(s) involved; the name(s) of any witness(es); a description of the complained of conduct, including when and where the conduct occurred; any relevant correspondence, including text messages, e-mail and social media posts; and whether or not the conduct complained of has been reported to the University before and if so, when, to whom and what the resolution of the previous complaint was.

### ***TIMELINESS OF COMPLAINT***

There is no statute of limitations with respect to alleged violations of this Policy. However, Complainants or persons with knowledge of a violation are urged to report the alleged violation as soon as possible in order to permit the best possible investigation to be conducted. The availability and memory of witnesses and the availability of documentary evidence, particularly electronic evidence, may be diminished by the passage of time.

### ***PRELIMINARY DETERMINATION***

Prior to the commencement of an investigation under this Policy, the Title IX Coordinator/Affirmative Action Officer shall make a preliminary determination as to whether the complaint or report of an alleged violation is within the scope of this Policy (whether the complaint or report is describing facts and/or making allegations, which, if true, would constitute a violation of this Policy). If the Title IX Coordinator/Affirmative Action Officer determines that the complaint or report of an alleged violation is not within the scope of this Policy, the Complainant will be informed that the complaint has been dismissed on those grounds, or, where appropriate, the complaint or report will be referred to appropriate University administrators for their consideration in accordance with other applicable University policies.

### ***REPORTS FROM THIRD PARTIES***

If the University receives a report of an incident of Sex-Based Misconduct anonymously or from a third party, the alleged victim will be informed of the report promptly. This Policy and Procedure will be applied in the same manner as if the alleged victim reported the incident.

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<sup>14</sup> If a tenured faculty member or full-time, non-tenured faculty member prior to expiration of a contract of appointment is determined pursuant to this Policy to have engaged in prohibited discrimination, harassment or retaliation, any suspension or termination of such faculty member will be subject to the University's Academic Dismissal Policy and Procedure.

### ***PUBLIC AWARENESS EVENTS***

Sharing information regarding an incident of Sex-Based Misconduct at a public awareness event, such as Take Back the Night, the Clothesline Project, survivor speak-outs and other forums, does not constitute notice to the University and will not trigger an investigation under this Policy and Procedure.

### ***ADVISORS***

Student Complainants and Student Respondents are entitled to have an advisor of their choice accompany them to all meetings and interviews relating to an incident of Sex-Based Misconduct. Advisors are present to provide support and guidance to the student. Advisors are not permitted to advocate for or represent the Complainant or Respondent, to address the Investigator or otherwise intervene in the meeting or interview. Advisors are permitted to speak to their advisee quietly. Advisors who disrupt the proceedings may be asked to leave.

In cases involving allegations of sexual assault, dating violence, domestic violence and stalking, Complainants and Respondents who are employees or third parties are also entitled to have an advisor of their choice present as described above.

### ***MEDIATED RESOLUTION***

Where appropriate and with the consent of the Complainant, the Title IX Coordinator/Affirmative Action Officer or Investigator may attempt to mediate a resolution of the matter as amicably and privately as possible. If a satisfactory resolution is reached, the matter will be considered closed. If it becomes clear that a mediated resolution will not be possible, the matter will be investigated. Complaints of sexual assault, however, will not be mediated.

### ***THE INVESTIGATION***

Once the Title IX Coordinator/Affirmative Action Officer has determined that an investigation will be conducted, she will inform in writing both the Complainant and Respondent of the provision(s) of this Policy and Procedure that the Respondent has been accused of violating and that an investigation is being conducted in accordance with this Policy and Procedure. Both parties will be provided with a copy of this Policy and Procedure and will be given an opportunity to meet with the Title IX Coordinator/Affirmative Action Officer to ask any questions they may have about the Policy and Procedure before the investigation begins.

### ***SELECTION OF THE INVESTIGATOR***

In the ordinary course, the Investigator will be the Title IX Coordinator/Affirmative Action Officer. However, if the Title IX Coordinator/Affirmative Action Officer is unavailable or has a conflict of interest, or the University determines due to the circumstances that another Investigator should investigate the complaint or report, then the Investigator will be selected from a pool of individuals from the University who have been trained in the requirements of this Policy, on issues relating to dating violence, domestic violence, sexual assault and stalking and on how to conduct an investigation that protects the safety of victims and promotes accountability. Similarly trained individuals from outside the University, who may be attorneys, may also be selected to be the Investigator. Selection of an Investigator will be by the Chief Administrative Officer in consultation

with the Title IX Coordinator/Affirmative Action Officer and University Counsel when appropriate.<sup>15</sup>

### ***CONDUCT OF THE INVESTIGATION***

The Investigator will conduct a prompt and thorough investigation. During the investigation, the appointed Investigator will:

- give the Respondent proper notice of the complaint and investigation and provide him or her an opportunity to provide information;
- interview the Complainant, the Respondent and any material witnesses (the Investigator will not interview witnesses whose sole purpose is to provide character evidence);
- gather all relevant documentary and/or physical evidence;
- complete the investigation in a timely manner, without unnecessary deviation from the intended timeline<sup>16</sup>;
- maintain communication with the Complainant and the Respondent on the status of the investigation and overall process.

During the course of the investigation, the Complainant and the Respondent shall each be afforded an opportunity to present his/her version of the event(s) to the Investigator(s) as well as the names of witnesses and any other evidence. The Investigator will have sole discretion to determine which witnesses to interview. Neither the Complainant nor the Respondent will have the right to question any witnesses or to be present during such questioning. In addition, both the Complainant and Respondent shall have the right to have their own prior sexual history with persons other than the other party or their own mental health diagnosis and/or treatment excluded from admittance in any investigatory and/or disciplinary proceeding held under this policy. If either party offers information relating to the parties' sexual history with one another, the other will have the right to respond.

Efforts will be made to maintain privacy; only people who have a need to know about the incident will be informed, and information will be shared only as necessary with Investigators, the Complainant, witnesses and the Respondent.

All members of the University community are encouraged to participate in the investigation process. However, Complainants and Respondents may elect not to participate in the investigation process at all or may choose not to be interviewed and only to identify other witnesses and relevant documents. The University will not draw an adverse inference against either party for failing to participate in the investigation process, but the Investigator and Decision Maker can only draw conclusions from the information available. So, the failure of one party to present his or her version of events will likely have a substantial impact on the outcome of the investigation.

The time needed to complete an investigation will vary based upon several factors, including the complexity, severity and extent of the allegations. It is expected most investigations will be completed within thirty (30) calendar days.

At the conclusion of the investigation, the Investigator will prepare a written investigation report and recommendation.

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<sup>15</sup> In the event that the Chief Administrative Officer has a conflict of interest, another appropriate University Administrator will select the Investigator, in consultation with the Title IX Coordinator/Affirmative Action Officer and University Counsel.

<sup>16</sup> Circumstances may arise that require time periods to be extended for good cause. When such circumstances arise, the Complainant and Respondent will be informed.

## ***INVESTIGATOR'S REPORT***

Following the completion of the investigation, the Investigator shall prepare a written report of the investigation ("Investigation Report") that contains the following, except as prohibited by law:

- a copy of any written complaint filed by the Complainant and if none was filed by the Complainant, then a written summary of the complaint or report prepared by the Investigator;
- copies of any documents relevant to the investigation;
- to the extent known by the Investigator, the name(s) of the Complainant(s), the name(s) of the Respondent(s), the name of every person interviewed by the Investigator in connection with the investigation, the name of any persons presented by the parties as witnesses and a summary of any evidence provided;
- the name of each individual the Investigator attempted to interview but did not interview in connection with the investigation, the attempts that the Investigator made to interview such individual(s) and the reason(s) why such individual(s) was not interviewed;
- a summary of each interview conducted by the Investigator in connection with the investigation;
- a list of the relevant facts that the Investigator found during the investigation;
- a recommendation based on the evidence obtained by and available to the Investigator as to whether or not the complaint alleging a violation of the Policy is substantiated or unsubstantiated using a preponderance of the evidence standard<sup>17</sup>;
- a description of any prior substantiated complaints made against the Respondent, the resolution of any prior complaints, whether any information from the previous complaints was relied upon by the Investigator in making any findings of fact or recommendations in the report<sup>18</sup>;
- a recommendation as to what, if any, remedial measure(s) (*e.g.*, harassment training, etc.) should be taken in light of the complaint and/or factual determination; and
- a recommendation as to what, if any, sanction(s), including suspension, expulsion or termination, should be taken against the Respondent.

Prior to submitting the Investigation Report to the Decision Maker, the Investigator shall give the Complainant and Respondent an opportunity to review, on campus, the draft report and the information in the case file (subject to appropriate redaction, including as permitted and/or required by law), but neither will be provided with a copy of the report. In most cases, the draft Investigation Report will be prepared and available for the parties' review within ten (10) calendar days of the conclusion of the investigation. This time may be extended based on the complexity of the allegations and the scope of the investigation. Both the Complainant and Respondent will have five (5) calendar days to submit written comments to the Investigator. The Complainant and Respondent will then be given an opportunity to review the submission of the other party. The Investigator will revise, if appropriate, and finalize the Investigation Report (including the findings of fact and recommendations) and deliver it to the appropriate Decision Maker listed in the Complaint Procedure Diagram, or his/her designee. In most cases, the Investigator will finalize the Investigation Report and provide it to the Decision Maker within seven (7) calendar days, but this time may be extended, if necessary due to the content of the parties' submissions following their review of the draft Investigation Report. Upon written request to the Investigator, the Complainant and Respondent shall then have an opportunity to review, on campus, the final Investigation Report

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<sup>17</sup> A preponderance of the evidence means to prove that something is more likely so than not so and does not require proof to an absolute certainty or beyond a reasonable doubt.

<sup>18</sup> Notwithstanding the existence of a prior complaint or complaints, a determination as to whether this Policy has been violated in a given situation will be based on the information obtained during the Investigation into that specific situation. However, if the Respondent is found to have engaged in such prohibited conduct in the current case, then previous violations may be considered by the Investigator, Faculty Review Committee, Decision Maker and Appeal Officer, with respect to the severity of remedial/disciplinary action in the current case.



(subject to appropriate redaction, including as permitted and/or required by law), but they shall not be provided a copy and shall not be permitted to submit a response.

If the Respondent is a faculty member, then the Investigator, at least five calendar days prior to submitting the Investigation Report to the Decision Maker, shall submit the final report to a Faculty Review Committee. The Faculty Review Committee will consist of three faculty members selected from and by the appropriate Location Faculty Council Grievance Committee. The Faculty Review Committee shall have five days to submit their written comments/recommendation, if any, regarding the Investigation Report to the Decision Maker before the Decision is made.

***ASSIGNED DECISION MAKER AND APPEAL OFFICER***

The following Complaint Procedure Diagram identifies the Decision Makers and Appeal Officers who will be involved in resolving the complaint. As you can see, the identity of these persons varies depending upon whether the Respondent is a student, faculty member, other employee or a third party. In the event there is no actual complaint from a Complainant, the University will nonetheless address any report of a violation of this Policy by making a reasonable effort to follow the steps contained in the Complaint Procedure Diagram. All Decision Makers and Appeal Officers shall receive annual training on the requirements of this Policy and on issues relating to Sex-Based Misconduct, including sexual harassment, sexual assault, dating violence, domestic violence, stalking and retaliation and on how to conduct an investigation and determination process that protects the safety of victims and promotes accountability.

**Complaint Procedure Diagram**

<b>Respondent</b>	<b>Investigator</b>	<b>Decision Maker</b>	<b>Appeal Officer(s)</b>
Faculty Member	Title IX Coordinator/ Affirmative Action Officer or Another Investigator From a Trained Pool	Provost (with prior opportunity for comment/recommendation from the Faculty Review Committee)	President
Student	Title IX Coordinator/ Affirmative Action Officer or Another Investigator From a Trained Pool	Campus Dean for Students for the campus other than where the incident occurred	Provost or their designee and two (2) trained University officials to be appointed by Title IX Coordinator/ Affirmative Action Officer
Staff	Title IX Coordinator/ Affirmative Action Officer or Another Investigator From a Trained Pool	Vice President for Human Resources	Chief Administrative Officer
Third Party	Title IX Coordinator/ Affirmative Action Officer or Another Investigator From a Trained Pool	Chief Administrative Officer	Chief Financial Officer
President or Senior	Title IX Coordinator/	Executive Committee of	Chair of the Board of

Executives who Report to him/her	Affirmative Action Officer or Another Investigator From a Trained Pool	Board of Trustees (with the recusal of the President and Chair of the Board of Trustees)	Trustees
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***OBJECTIONS TO THE INVESTIGATOR, DECISION MAKER OR APPEAL OFFICER(S)***

The Complainant or Respondent may object to the participation of the particular Investigator, a member of the Faculty Review Committee (defined on page 26 of this Policy and Procedure), the Decision Maker or Appeal Officer(s) based on a conflict of interest or other facts suggesting that that the Investigator, Faculty Review Committee member, Decision Maker or Appeal Officer is unable to fulfill his or her responsibilities in an impartial manner. Such objection must be made in writing to the Title IX Coordinator/Affirmative Action Officer prior to any recommendation or decision being issued by the person and in no event, later than two calendar days after the Respondent or Complainant, if any, learn the identity of the person or persons who will be serving in these roles. In all cases except when the objection is to a member of the Faculty Review Committee, the Title IX Coordinator/Affirmative Action Officer will refer the objection to the Chief Administrative Officer, who will evaluate the objection and, in consultation with the Title IX Coordinator/Affirmative Action Officer and University Counsel, decide whether to uphold or deny the objection. If the objection is upheld, appropriate replacement or replacements will be selected by the Chief Administrative Officer in consultation with the Title IX Coordinator/Affirmative Action Officer and University Counsel.<sup>19</sup> If the objection is to a member of the Faculty Review Committee, the Title IX Coordinator/Affirmative Action Officer will refer the objection to the appropriate Location Faculty Grievance Committee. The Location Faculty Grievance Committee, in consultation with the Title IX Coordinator/Affirmative Action Officer and University Counsel, shall determine whether to uphold or deny the objection, and if the objection is upheld, select an appropriate alternate Faculty Review Committee member. The Chief Administrative Officer and the Location Faculty Grievance Committee shall set forth the reasons for their objection determinations in writing, which they shall transmit to the Complainant, the Respondent and the Title IX Coordinator/Affirmative Action Officer.

***THE DECISION***

The Decision Maker shall issue written notification to the Complainant and Respondent of the Decision Maker’s determination as to whether the Respondent violated this policy, which determination, in whole or in part: (i) accepts the recommendations contained in the Investigation Report; or (ii) rejects the recommendations in the Investigation Report. In most cases, the Decision Maker will issue this written determination within seven (7) calendar days of receiving the Investigation Report, but this time may be extended, based on the complexity of the situation under consideration. In making the determination as to whether the Respondent violated this policy, the Decision Maker shall accept the Findings of Fact made by the Investigator if they are substantially supported by the evidence. If such Findings of Fact are not substantially supported by the evidence, the Decision Maker may reverse the Findings of Fact, modify them or remand the investigation to the Investigator or another Investigator for further action consistent with the Decision Maker’s determination. If the Decision Maker concludes that the Respondent is responsible for violation of this policy, then both the Complainant and Respondent will be permitted to submit a written impact statement to the Decision Maker for purposes of the determination of appropriate sanctions. The parties will have two calendar days to submit their impact statement to the Decision Maker. The Decision Maker may consult with other University officials in determining any appropriate sanctions. The Decision Maker shall issue a written Decision outlining the relevant factual findings supporting the determination, the decision and the appropriate sanctions, if any, as well as the

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<sup>19</sup> In the event that the Chief Administrative Officer has a conflict of interest, another appropriate University Administrator will determine the objection and select an appropriate replacement or replacements, in consultation with the Title IX Coordinator/Affirmative Action Officer and University Counsel.

rationale for the decision and sanctions. In most cases, the written Decision will be issued within three (3) calendar days after the expiration of the time for the parties to submit impact statements, but this time may be extended if necessary. The persons to whom the written Decision shall be issued are: the Investigator, the Respondent, the Complainant, if any, and the Faculty Review Committee if the Respondent is a faculty member. The Decision Maker shall also forward copies of the parties' written impact statements, if any, to the Investigator and the Faculty Review Committee if the Respondent is a faculty member. In addition, the Decision Maker shall forward the Decision to any University officials the Decision Maker believes should be made aware of the Decision.<sup>20</sup>

## *APPEALS*

Within five (5) calendar days of the date of receipt of the Decision, the Complainant, if any, or the Respondent may file a written appeal to the appropriate Appeal Officer(s) listed in the Complaint Procedure Diagram. The appeal must include a detailed statement setting forth the ground(s) upon which the appeal is based. The sole grounds upon which a Complainant may base an appeal are as follows:

- the finding that the violation was unsubstantiated was not based on a preponderance of the evidence;
- material evidence exists that was not available to the Investigator or the Decision Maker during the investigation or prior to issuance of the Decision;
- the Investigator or Decision Maker made a substantial procedural error that may have affected the investigation or Decision;
- the Investigator or Decision Maker had a conflict of interest that may have affected the investigation or decision and was not known to the Complainant prior to the investigation or issuance of the decision; and/or
- any disciplinary measure to be taken against the Respondent is inadequate.

The sole grounds upon which a Respondent may base an appeal are as follows:

- the finding that the violation was substantiated was not based on a preponderance of the evidence;
- material evidence exists that was not available to the Investigator or Decision Maker during the investigation or prior to the issuance of the Decision;
- the Investigator or Decision Maker made a substantial procedural error that may have affected the investigation or the Decision;
- the Investigator or Decision Maker had a conflict of interest that may have affected the investigation or Decision and was not known to the Respondent prior to the investigation or issuance of the Decision;
- any disciplinary measure(s) to be taken against the Respondent is excessive.

Within five (5) business days of receiving the timely appeal, the appropriate Appeal Officer(s) shall request that the Investigator forward to the Appeal Officer(s): (i) the Investigation Report, (ii) copies of the parties' written impact statements, if any, (iii) the Decision made by the Decision Maker; and (iv) the Decision Maker's written communications to the Complainant and Respondent informing

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<sup>20</sup> If the Complainant or Respondent is a faculty member, the Decision Maker shall not issue a decision until after the earlier of his or her receipt of the Faculty Review Committee's comments/recommendations or the expiration of the five (5) calendar day Faculty Review Committee Investigation Report comment period. If the Decision Maker or Appeals Officer remands such investigation to the Investigator or another Investigator for further action, upon completion of the revised Investigation Report, the Investigator shall deliver the revised Investigation Report to the Faculty Review Committee, which shall have a new five (5) calendar day period within which to provide their comments/recommendations with respect to such revised Investigation Report and forward it to the Decision Maker.

each of the outcome of the investigation. After receiving such a request, the Investigator shall forward these documents to the Appeal Officer(s) within three (3) business days. Within three (3) business days of receiving a timely appeal, the Appeal Officer(s) shall forward the appealing party's submission to the other party who shall have five (5) business days to submit a written response. In most cases, within seven (7) business days of receiving the other party's response to the appeal submissions, the Appeal Officer(s) shall decide the appeal and issue a written appeal decision, with the burden on the appealing party to prove one or more of the limited grounds for appeal by a preponderance of the evidence. The Appeal Officer(s) shall issue the written appeal decision to the Investigator, the Decision Maker, the Complainant, if any, and the Respondent. The time in which the Appeal Officer(s) will issue this written appeal decision may be extended, based on the complexity of the situation under review. The Appeal Officer(s) may affirm the decision in whole or in part, modify the decision, reverse the decision or send it back to the Investigator or Decision Maker for further investigation and/or consideration. In addition, the Appeal Officer(s) shall forward the appeal decision to any University officials the Appeal Officer(s) believes should be made aware of the appeal decision. Unless the Appeal Officer(s) sends the decision back for further investigation, the appeal decision is final. When a decision is sent back to the Investigator for further investigation, the Investigator shall issue a revised Investigative Report, which the Complainant and Respondent shall have an opportunity to review, and the Decision Maker will consider the new information and render a new decision. The parties will then have an opportunity to appeal that decision in accordance with the procedure set forth above.

### **MISCELLANEOUS PROVISIONS**

- All time periods may be extended by the University for good cause shown.
- In the event the allegations of discrimination, harassment or retaliation are involved with other violations of University policies, the University reserves the right to select the process or processes to be used to determine all charges that arise out of the same incidents and/or allegations and whether any overlapping procedures are to be utilized sequentially, simultaneously or not at all.
- The Title IX Coordinator/Affirmative Action Officer will serve as the centralized record keeper of records concerning complaints and investigations. Additional records concerning complaints and investigations may also be maintained by the Vice President for Human Resources and University Counsel.
- Students may utilize this Complaint procedure and/or they may complain directly to the Office of Civil Rights of the Department of Health and Human Services. Their website is [www.HHS.gov](http://www.HHS.gov).
- Any suspension or termination of a tenured faculty member or full-time non-tenured faculty member prior to expiration of a contract of appointment will be subject to the University's Academic Dismissal Policy and Procedure.

### **RECORDS DISCLOSURE**

Disciplinary proceedings conducted by the University are subject to the Family Educational Rights and Privacy Act (FERPA), a federal law governing the privacy of student information. FERPA generally limits disclosure of student information outside the University without the student's consent, but it does provide for release of student disciplinary information without a student's consent in certain circumstances.

Students should be aware, however, that information collected during the investigation process may be subpoenaed in civil or criminal proceedings. Additional information about the University's FERPA policies can be found at: <http://www.pace.edu/osa/student-records/paceuniversity-ferpa-policy>.

## **ADDITIONAL RESOURCES**

The government resources listed here may provide additional assistance for students wishing to file an external complaint of gender-based misconduct or students with inquiries regarding the application of Title IX and its implementing regulations: <http://www.notalone.gov>

US Department of Education, Office for Civil Rights <http://www.ed.gov/ocr> .

US Department of Education  
Office for Civil Rights  
New York—Region II  
32 Old Slip, 26th Floor  
New York, NY 10005  
(646) 428-3800  
[OCR.NewYork@ed.gov](mailto:OCR.NewYork@ed.gov)

US Department of Justice, Office on Violence Against Women <http://www.ovw.usdoj.gov>

US Department of Justice  
Office on Violence Against Women  
145 N Street, NE, Suite 10W.121  
Washington, DC 20530  
(202) 307-6026

**STUDENTS' BILL OF RIGHTS**  
**IN CASES INVOLVING SEXUAL ASSAULT,**  
**DOMESTIC/DATING VIOLENCE AND STALKING**

All students have the right to:

- Make a report to local law enforcement and/or state Police;
- Have disclosures of domestic violence, dating violence, stalking and sexual assault treated seriously;
- Make a decision about whether or not to disclose a crime or violation and participate in the judicial or conduct process and/or criminal justice process free from pressure by Pace University;
- Participate in a process that is fair, impartial and provides adequate notice and a meaningful opportunity to be heard;
- Be treated with dignity and to receive from the University courteous, fair and respectful health care and counseling services, where available;
- Be free from any suggestion that the reporting individual is at fault when these crimes and violations are committed, or should have acted in a different manner to avoid such crimes or violations;
- Describe the incident to as few institution representatives as practicable and not be required to unnecessarily repeat a description of the incident;
- Be protected from retaliation by Pace, any student, the accused and/or the Respondent and/or their friends, family and acquaintances within the jurisdiction of Pace;
- Access to at least one level of appeal of a determination;
- Be accompanied by an advisor of choice who may assist and advise a reporting individual, accused or Respondent throughout the judicial or conduct process including during all meetings and hearings related to such process; and
- Exercise civil rights and practice of religion without interference by the investigative, criminal justice or judicial or conduct process of Pace University.

**STATEMENT OF RIGHTS IN CASES INVOLVING SEXUAL  
ASSAULT, DOMESTIC/DATING VIOLENCE AND STALKING**

Anyone reporting an incident of sexual assault, domestic or dating violence or stalking has the right to:

- A. Notify Campus Security, Local Law Enforcement or the New York State Police.
- B. Emergency access to a Title IX Coordinator or other appropriate official trained in interviewing victims of sexual assault who shall be available upon the first instance of disclosure by a reporting individual and who can provide information, including:
  - 1) options to proceed, including the right to make a report to Campus Safety (reports to Campus Safety are reported to the Title IX Coordinator), Local Law Enforcement and/or the New York State Police or choose not to report; to report the incident to the University; to be protected by the University from retaliation for reporting an incident; and to receive assistance and resources from the University, as set out in the Pace University Sex-Based Misconduct Policy and Procedure;
  - 2) where applicable, the importance of preserving evidence and obtaining a sexual assault forensic examination as soon as possible;
  - 3) that the criminal justice process utilizes different standards of proof and evidence than the University's misconduct procedures and that any questions about whether a specific incident violated the penal law should be addressed to law enforcement or to the District Attorney;
  - 4) whether the person they are reporting to is authorized to offer the confidentiality or privacy; and 5) any other reporting options.
- C. If they are a student, to contact the University's Health Care Unit and University Counseling Center, where they may be offered confidential resources pursuant to applicable laws and can be assisted in obtaining services for reporting individuals; or to contact non-University confidential resources, including the New York State Office of Victim Services at 1(800) 247-8035 or <https://ovs.ny.gov>.
- D. Disclose confidentially the incident and obtain services from the state or local government;
- E. Disclose the incident to the University's Responsible Employees who can offer privacy or, in appropriate cases determined by the Title IX Coordinator, confidentiality, subject to the University's Sex-Based Misconduct Policy and Procedure, and can assist in obtaining resources for reporting individuals;
- F. File a report of sexual assault, domestic violence, dating violence and/or stalking and consult the Title IX Coordinator and other appropriate University personnel for information and assistance. Reports shall be investigated in accordance with University policy. A reporting individual's identity shall remain private if that is what the reporting individual wishes, however privacy is not the same as confidentiality and private information can be shared as necessary to implement and fulfill the University's obligations under the law and its policies and procedures;

- G. Disclose, if the accused is a University employee of the institution, the incident to Human Resources or to request that a confidential or private employee assist in reporting to Human Resources;
- H. Receive assistance from appropriate University representatives if interested in initiating legal proceedings in family court or civil court, such assistance to consist of facilitation in contacting appropriate local agencies who can provide direct assistance with court proceedings; and
- I. Withdraw a complaint or involvement from the University processes at any time, with the understanding that in appropriate cases, the University may nonetheless be required to proceed even if the reporting individual does not wish to do so.





tear at the very fabric of free society. Crimes motivated by invidious hatred toward particular groups not only harm individual victims but send a powerful message of intolerance and discrimination to all members of the groups to which the victims belong. Hate crimes can and do intimidate and disrupt entire communities and vitiate the civility that is essential to a healthy democratic process. In a democratic society, citizens cannot be required to approve of the beliefs and practices of others, but must never commit criminal acts on account of them.

Pace University's Guiding Principles of Conduct clearly and unequivocally states that "membership in the University community is accompanied by the responsibility to maintain and foster an environment characterized by freedom of expression, inquiry and exchange of ideas and respect for the dignity and uniqueness of each individual." In addition, the University has established standards of behavior to ensure the safety of all members of the University community. The commission of a crime of violence, intimidation, or destruction of property by a member of the Pace community is unacceptable. The commission of such a crime out of bias or prejudice is repugnant and will not be tolerated. The University, through its discrimination, sex-based misconduct, disciplinary or employment policies, procedures and practices and/or by referral to local law enforcement officials, will seek appropriate redress including criminal prosecution against any student, staff, or faculty member who violates this policy. The University will also refer to local law enforcement officials, violations of this policy by contractor and vendor personnel, licensees, invitees and visitors, and reserves the right to eject and or bar those violators from University premises and activities.

Definition: Under the New York State Hate Crimes Act of 2000 (codified as Article 485 of the New York State Penal Law), a person commits a hate crime when he or she commits an offense specified in the Act and either:

**A.** intentionally selects the person against whom the offense is committed or intended to be committed in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct, or

**B.** intentionally commits the act or acts constituting the offense in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability, or sexual orientation of a person, regardless of whether the belief or perception is correct.

Copies of applicable current University policies and procedures; applicable federal, state, and local laws as well as applicable regulations concerning hate crimes; and the penalties under New York State law for commission of hate crimes are available in the offices of Security, the Affirmative Action Officer, the Dean for Students, Student Affairs, Human Resources, and the Counseling Center on each campus. These offices offer brochures, workshops, and seminars to educate the campus community. From time to time, special notices and articles are also posted, distributed or appear in student newspapers and other University publications.

### **HATE/BIAS RELATED CRIME REPORTING**

There are numerous ways available within the University to report a hate/bias-related crime. Hate/Bias crimes may be reported to the Affirmative Action Officer (AAO), who is the University official delegated with responsibility to investigate all reports of discrimination within the University.

The AAO, Arletha (Lisa) Miles, has an office in New York City (212) 346-1310 or amiles@pace.edu located at 163 William St., 10th Floor, Room 2017, New York, New York 10038; and can be reached in Westchester at (914) 923-2610. All crimes, including hate/bias-related crimes, may be reported to the Campus Security Office, Dean for Students, Office of Multicultural Affairs (New York City) or Diversity Programs (Westchester) or the Human Resources Offices. All crime emergencies on campus may be reported to the Pace Campus Security via the Intra University Emergency Phone, extension 777.

If you are unsure as to whether a hate/bias-related crime may have occurred, or desire to speak with someone confidentially, you may contact the Counseling Centers in New York City (212) 346-1526 or Westchester (914) 773-3710.

The University is required by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, 20 U.S.C. §1092(f), to report all hate/bias-related crimes to the United States Department of Education as part of its annual crime statistics reporting. You can find these statistics on the Pace University website at [www.pace.edu](http://www.pace.edu) (select "S" from the A-Z index, Safety and Security, Campus Statistics). When a hate/bias-related crime occurs on campus, the University community will be notified at the time and in the manner described in the section on Safety and Security, Crime Reporting, which is in this handbook.

### **PROCEDURES FOR HANDLING HATE/BIAS-RELATED CRIMES**

Complaints involving hate/bias-related crimes may be initiated as appropriate, through the University Policy and Procedure Non Sex-Based Discrimination, Harassment and Retaliation:

<http://www.pace.edu/sites/default/files/files/affirmative-action/PACE-UNIVERSITY-POLICY-AND-PROCEDURE-DISCRIMINATION.pdf>

the University Sex-Based Misconduct Policy and Procedure:

<http://www.pace.edu/sites/default/files/files/SexualMisconductPolicy/SexualMisconductPolicy.pdf>

or the University Disciplinary Procedures: <http://www.pace.edu/student-handbook/university-policies-disciplinary-and-grievance-procedures/student-disciplinary-procedures-and-hearings>,

which are described in the handbook. Complaints involving faculty or staff should be initiated through the AAO [see above] or the Human Resource Office. Any complaint involving a bias-related crime may be made directly to local law enforcement agencies.

#### **PENALTIES FOR COMMISSION OF A HATE/BIAS-RELATED CRIME**

Internal University sanctions against a student, student group or organization can include a wide range of penalties as enumerated in the handbook including actions such as warning, restitution, probation, and up to and including expulsion (permanent separation) from the University.

Penalties against faculty and staff are determined through established employment practices and may include up to termination.

In addition, the New York State Hate Crimes Act of 2000 revised the State Penal Law to impose criminal penalties for hate crimes. Such penalties include incarceration.

#### **HATE/BIAS-RELATED CRIME PREVENTION INFORMATION**

Pace University is intent on insuring a safe and secure environment, free from bias and prejudice for all its community members. The University provides to new students each year, information on bias-related crime, alcohol and drug use, Sex-Based Misconduct (including sexual harassment and sexual assault), and general crime prevention through various means including orientations, this handbook, and in other relevant publications and brochures. The University also provides information and encourages discussion of these and related topics through workshops, seminars, discussion groups, media presentations, and a wide variety of activities, events, and programs sponsored by the University departments and student organizations. Students are also exposed to these issues through the curriculum of University 101, the required extended orientation course taken by all freshmen. Counseling and Support Victims and/or witnesses to hate/bias-related crimes may obtain counseling and support from the University Counseling Center, University offices of Multicultural Affairs or Diversity Programs, or the Dean for Students. Faculty and staff may seek counseling and support through the University Employee Assistance Program. The above policy, information and procedures are in compliance with the New York State Hate Crimes Act of 2000 and section 6436 of the New York State Education Law.